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American Commonwealths

NEW YORK

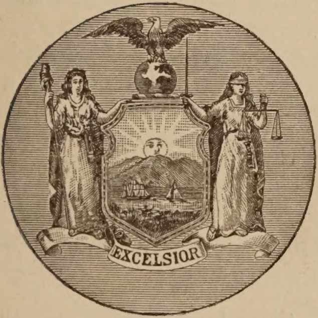
THE PLANTING AND THE GROWTH OF THE EMPIRE STATE

BY

ELLIS H. ROBERTS

IN TWO VOLUMES

VOL. II.



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CHAPTER XXII.

RESISTANCE. — THE FIRST BLOOD SHED.

1765–1770.

THE assembly of New York was in accord with popular sentiment in the colony, but not in advance of it. John Morin Scott, in a published article in May, 1765, over the signature "Freeman," argued that "if the interest of the mother country and her colonies can not be made to coincide, if the same constitution can not take place in both, if the welfare of the mother country necessarily requires a sacrifice of the most valuable natural rights of the colonies, their right of making their own laws and disposing of their own property by representatives of their own choosing, then the connection between them ought to cease, and sooner or later it must inevitably cease. The English government cannot long act towards a part of its dominions upon principles diametrically opposed to its own, without losing itself in the slavery it would impose upon the colonies, or teaching them to throw it off and assert their freedom." The prophecy was bold, and was among the very earliest harbingers of separation.

Another series of petitions and addresses, reported by Philip Livingston, in December, 1765, from the grand committee for courts of justice, in behalf of the chairman John Cruger, was adopted by the assembly, repeating the arguments against "internal taxations and duties by authority of parliament," and enlarging on the wrong of the "extension of admiralty jurisdiction to causes only cognizable at common law, and the granting of appeals from the verdicts of juries." Lieutenant Governor Colden had tried to enforce such an appeal, while the judges of the supreme court had resisted his interference, and they had been sustained by the council. This incident was the incentive to these petitions, which were followed by resolutions adopted December 18, 1765, *nemine contradicente*, as the official journal records, and closing with the declaration "that the duties lately imposed by act of parliament on the trade of this colony are very grievous and burdensome; and in the apprehension of this house, impossible to be paid."

The burdens of the navigation act, as it began to be enforced, were keenly felt, and the attitude of parliament in imposing certain duties, followed by the stamp act, aroused all the colonies, and the proposal of New York for mutual correspondence was supplemented by an invitation from Massachusetts for a colonial congress. Seventy-eight delegates assembled, October 7, 1765, in New York, representing all the colonies but Virginia, North Carolina, and Georgia, while New York chose no delegates; but its committee of correspondence took an important share in the proceedings. Philip Livingston wrote a petition to the king, and John Cruger a "declaration of rights and grievances" to the people of England and America, claiming for the colonists "the right of taxing themselves either personally or by representatives of their own choosing, the right of trial by jury, and the right of petition." Of the address to parliament James Otis of Massachusetts was the author.

The stamp act passed March 22, 1765, was to go into effect in the colonies November 1 of that year. A vessel bearing stamps arrived in New York while the first colonial congress was in session. Out of doors as well as in that body the excitement became intense. Some of the delegates pronounced resistance treason, as it doubtless was, and they pleaded in behalf of the supreme authority of parliament. But the congress adopted the addresses, and brought the colonies upon common ground, although the delegates from New York, while earnestly approving the action and wielding large influence in directing it, did not feel empowered to attach their signatures. The assembly, however, November 20, approved of the proceedings of the congress, and renewed its declaration that "all necessary aids to the crown, raised in the colony," must be "free gifts of the people."

The merchants of New York were not at all disposed to submit to the stamp act. Isaac Sears, John Lamb, Gershom Mott, William Wiley, and Thomas Robinson were appointed, October 31, 1765, a committee of correspondence on their behalf, to agree with residents of other colonies on a general policy. They determined in public meetings to cease importation of all goods, and to prevent the use of stamps in any case. Handbills had been issued when the stamps first arrived, indicating the popular purpose in these words:—

"PRO PATRIA.

"The first man that either distributes or makes use of stamped paper, let him take care of his house, person and effects.

"WE DARE."

The stamp act was printed under the title of "The Folly of England and the Ruin of America." November 1, a considerable crowd put up a gallows in the present City Hall park, and hung an effigy to represent Governor Colden, and another, called "the devil," with a boot in his hand, to represent Lord Bute, the British minister. Another band carried Colden in effigy to the gate of Fort George, where soldiers were drawn up on the ramparts. There a demand was made for the stamps; as it was refused, his carriage was captured and his effigy set upon it. Both bands marched to the Battery, where they spiked the cannon, and burned carriage and gallows and effigies to ashes. The mob spirit grew strong by exercise, and the rougher element rushed to the house of Major James, the commander of the royal artillery, and its contents of every kind were destroyed by fire; the colors of his regiment were carried off by the crowd.

This was the popular punishment wreaked on James for blustering — "I will cram the stamps down the throats of the people with the end of my sword;" "if they attempt to rise, I will drive them all out of town for a pack of rascals with four-and-twenty men." He was the first to learn that the atmosphere was stirred by something more than a summer breeze.

The next day an address was read at the coffee-house in Wall street, calling all to suppress riots; but Isaac Sears denounced it as a device to prevent the capture of the stamps, and the people gave him their cheers and their support. The "Sons of Liberty," of whom Sears, John Lamb, Alexander McDougall, and Marinus Willett were at this time leaders, took the direction of the popular movement, which sometimes broke beyond their control. John Cruger, the author of patriotic addresses adopted by the assembly and the congress, was mayor of New York, and, with Robert R. Livingston, Beverly Robinson, and John Stevens, called on Lieutenant Governor Colden to prevent the use of the stamps. The collector appointed to sell them had resigned, and the stamps were in the fort. Colden sought to shirk responsibility by a pledge that he would do nothing with the stamps until the arrival of the new governor, Sir Henry Moore, who was soon expected from England. The mayor's committee repeated his pledge, that "he would not issue nor suffer to be issued any of the stamps now in Fort George." The people were not satisfied. An effort was made for placing the obnoxious papers on a British ship lying in port, but the captain refused to receive them. Thereupon, November 5, the common council demanded the stamps from the lieutenant governor, and he delivered them up to "the mayor and corporation," on a guarantee to make good all losses, and, as he wrote, "in consequence of the unanimous advice of his Majesty's council, and the concurrence of the commander-in-chief of the king's forces, and to prevent the effusion of blood and the calamities of civil war." The common council acknowledged the concession by an address to "Thomas Gage, Esq., major-general and commander-in-chief of all his Majesty's forces in North America," congratulating him "upon the restoration of this city's tranquillity and freedom from the impending evils of a civil war." So easy did it appear then to settle the controversy between the colonies and the home government.

Lieutenant Governor Colden wrote to the British ministers: "Whatever happens in this place has the greatest influence in the other colonies; they have their eyes perpetually on it, and they govern themselves accordingly." Like causes were producing kindred effects in various localities. New York certainly did not wait for inspiration or leadership from other quarters in these critical days. Important as its commerce was, it sacrificed all for liberty. In the presence of the commander-in-chief of the British forces in America, with men-of-war in the harbor and the army which he was ready to let loose, the colony did not hesitate in its demands and in its acts against involuntary taxation. Sir Henry Moore came out as governor, November 13, 1765, in the midst of the popular revolt, and he made no effort to enforce the law. The collector for Maryland was seized and compelled to resign the place. Ten boxes of stamps on a brig just arrived were captured by citizens and carried on shore, thrust into tar-barrels, and burned. Officers who held any of the obnoxious papers were diligently hunted out, and surrender compelled. In Albany several persons, to repel intimations, made affidavits that they had never asked to be collectors of stamps and would not accept the office, while Mr. Cuyler admitted he had made an application for it, but swore he would not take it.

Homespun in place of British cloth in garments was adopted by zealous patriots; and because licenses for marriage required stamps, that ceremony was proclaimed in church without license.

The "Sons of Liberty," January 7, declared that "there was safety for the colonies only in the firm union of the whole;" and that they "would venture their lives and fortunes effectually to prevent the stamp act." Connecticut and Massachusetts followed promptly in like utterances. In the latter colony Governor Bernard declared that, if resistance was made, "a forcible subjection is unavoidable, let it cost what it will;" and he expressed the "hope that New York, as well upon account of its superior rank and greater professions of resistance, and of its being the headquarters, will have the honor of being subdued first."

When the repeal of the stamp tax, March 13, 1766, was known, New York gave way to exuberant expressions of joy. A statue was ordered by the assembly, June 23, to William Pitt, to be erected in Wall street, as "a public testimony of the many eminent services he rendered to America, particularly in promoting the repeal of the stamp act." An equestrian statue was also ordered to George III., and a piece of plate to John Sargent, agent of the colony in London. The king's statue was not erected until August 21, 1770, when it was set up with much display on the Battery, and remained until 1776, when it was cast by the patriots into musket-balls for defense.

Without waiting for such permanent tokens, the citizens erected, June 4, 1766, the king's birthday, a mast or liberty pole "to his most gracious Majesty, George III., Mr. Pitt and liberty." The governor, the council, the civil and military officers joined with the people in festivities, at which, the chronicles testify, "an ox was roasted on each side of the common; a large stage was built up, on which were placed twenty-five barrels of strong beer, a hogshead of rum, with sugar and other materials to make punch. At another part of the field were preparations for a bonfire; twenty-five cords of wood surrounded a pole, on the top of which were affixed twelve tar-barrels. At the upper end of the field were placed five-and-twenty pieces of cannon; a flag displayed the colors of England, and a band of music played 'God save the King.'" Speeches were at that era no part of such a celebration. But these were the acts of people who wanted to be loyal, and whose hearts went out to rulers who had seemed disposed simply to cease from oppression.

The joy did not last long. The home government had, in December preceding, called on the assembly to provide, according to the requirements of the mutiny act, quarters, firewood, bedding, drink, soap and candles for as many British troops as the ministers might choose to send. On the report of a committee, of which Robert R. Livingston was chairman, the assembly declared that when the troops were quartered in barracks they were provided for without charge to the counties where the barracks were, and if any provision was necessary for quarters for troops on the march, the House would consider the matter after the cost was incurred.

This controversy was the incitement to some of the British soldiers, who, August 10, cut down the liberty pole erected to the king and Mr. Pitt. The next evening, while the citizens were getting ready to put up the pole again, soldiers with drawn bayonets assailed them, and wounded Isaac Sears and some others; but the "mast" was raised in spite of the violence. The soldiers continued to harass the people, and indulged in such petty meanness as breaking into houses and hamstringing the horse of a cartman.

When, therefore, Governor Moore asked the assembly in November to grant the requisitions, and conveyed notice of the king's displeasure, the members still held to the limit of provision for soldiers on the march. The governor twice prorogued the assembly, and twice his demands were refused. In the mean time the home government gave manifest signs of its purpose, by directing General Gage to place forts George, Ticonderoga, and Crown Point on a war footing, while at Quebec like preparations were in progress. Lieutenant Governor Carleton wrote from Quebec to General Gage, that these measures would "facilitate the transfer of ten or fifteen thousand men" from one province to the other; and New York, remembering the French war, foresaw that in case of conflict, invading armies from the north would trample upon its soil.

Albany was touched by acts like these; and although not so much within the field of action as the seaport, when its members returned from the assembly this autumn, popular feeling rose to such a height that soldiers were called upon to put down the disturbance arising from expressions of popular patriotism.

The British parliament, June 29, 1767, forbade the New York assembly to pass any act before it made provision for British troops. At the same time the right to tax the colonies was declared anew, duties were imposed on paper, glass, tea, and painters' colors, and commissioners of customs were established for America, while indemnity was required for the losses by the stamp-act riots. The prohibition put upon the New York assembly had the effect to suspend legislation for two years, inasmuch as during that period the members, and no less the people, stood firm against providing for British soldiers. The term of the assembly expired by limitation, and upon a new election the popular party retained its control, or even strengthened itself.

George Clinton appeared as a member from Ulster, and Philip Schuyler from Albany, and at once arrayed themselves with the foremost of the opponents of British aggression. The latter was probably the author of petitions to the king and parliament adopted by the assembly, December 31, pronouncing the act of suspension dangerous and alarming, while the imposition of duties without the consent of the colony was subversive of the constitutional rights of the people, and asserting the right, which had been questioned, to correspond and consult with other colonies. "This colony," the resolution went on to declare, "lawfully and constitutionally has and enjoys an internal legislature of its own, in which the crown and the people of this colony are constitutionally represented, and the power and authority of the said legislature can not lawfully or constitutionally be suspended, abridged, abrogated, or annulled by any power, authority, or prerogative whatsoever; the prerogative of the crown ordinarily exercised for prorogations and dissolutions only excepted." The position was too bold, and in the eyes of the governor looked too much towards independence, and he dissolved the assembly, January 2, 1769.

The chronic troubles with the Six Nations on account of the seizure of their lands, or alleged frauds in purchase and survey, broke out with fresh bitterness in 1764. The great patent of Kayaderosseras, covering about seven hundred thousand acres lying between the Hudson and the Mohawk, obtained by grant in 1703, was brought into controversy, and the boundaries of Indian lands on the south and west were unsettled. To adjust these and other matters, Sir William Johnson was authorized to confer with the Six Nations and with the governors of the neighboring colonies, and to that end he invited a congress to meet at Fort Stanwix September 20, 1768. New Jersey, Virginia, and Pennsylvania were represented; but it was October 4 before the congress opened, with thirty-two hundred red men in attendance, including, besides the Six Nations, the Delawares and Shawanese. Negotiations were kept up until November 5, when the Six Nations were paid £2,000 in money and goods, for land sold and concessions granted to the British crown. The boundary fixed began at the north of the Tennessee River, following the Ohio and Alleghany rivers, thence from Kittaning to the nearest fork of the west branch of the Susquehanna, and along that stream to its east branch and the Delaware, terminating at the confluence of Canada and Wood creeks. This was the substantial part of the treaty of Fort Stanwix.

The political strain had been intense and continuous, and signs were apparent of a tendency towards reaction. In the election ordered on account of the dissolution of the assembly, the government interests won allies among persons who yielded to the pressure of the policy of non-importation, to the influence of patronage, and of the Church of England. Some prejudice was aroused against lawyers, and as the leaders of the popular party included many Presbyterians, other denominations were appealed to against them. The assembly met April 4, 1769; and the DeLancey interest, favoring the church and seeking to restore friendly relations with the crown, was in the ascendant. The assembly was unwilling yet to go farther than to make appropriations for garrisons of five hundred soldiers at New York and Albany, respectively. An address written by Schuyler was adopted, April 10, reiterating the claims of the colony, but yielding to the requests of the crown; while a resolution from the pen of Philip Livingston thanked those who had proved true to the pledge not to import goods from Great Britain, and urged them to adhere to that course until such acts of parliament as the assembly had declared unconstitutional and subversive of the rights of the people, should be repealed.

At a session convened in November, as Governor Moore had died September 11, Lieutenant Governor Colden resumed the executive chair, and gave assurance of the "greatest probability that the late duties imposed by parliament so much to the dissatisfaction of the colonies would be taken off in the ensuing session." The assembly adopted the patriotic resolutions moved by Patrick Henry in Virginia, and then appropriated £2,000 for the troops by a majority of one.

This action aroused intense indignation among the people. A "Son of Liberty" issued a handbill, December 16, addressed "to the Betrayed Inhabitants of New York," in fiery language denouncing the assembly, and charging its action to "some corrupt source," and especially to a coalition between Governor Colden and the DeLancey family. The handbill closed with a call for a public meeting to appoint a committee "to draw up the whole matter, and send the statement far and wide." The meeting was held the next day, when fourteen hundred citizens gathered, and adopted resolutions reported by John Lamb, to express to the assembly disapproval of its course. That body retorted by denouncing the handbill as a "false, seditious, and infamous libel," Schuyler alone dissenting, and Governor Colden offered a reward for the discovery of the author. The printer under duress exposed him in the person of Alexander McDougall, and he was arraigned at the bar, where George Clinton appeared in his defense, but failed to prevent his imprisonment, and he was held until February, 1771, and then released without trial. Lamb also was called before the assembly for his part in the affair of the meeting, but his seven colleagues on the committee stood by him manfully, and his case was dropped; but Isaac Sears, one of the committee, was for punishment accused of neglecting his duty as inspector of potash, and then was refused a hearing, although Schuyler, Clinton, and Nathaniel Woodhull pleaded for him.

New York still adhered to the policy of nonimportation, in which it led, and even the lieutenant governor was in favor of the repeal of the offensive revenue impositions of parliament. October, 1769, committees again invited cooperation for still more vigorous exclusion of imports until all the duties should be removed. This colony, with the largest interests in commerce, adhered most strictly to its pledges, losing five-sixths of its trade in consequence, and the party of reaction derived advantages from the failure of its neighbors to exclude imports with equal rigor. When the duties were repealed on all articles except tea, New York was glad, and canceled its rules against importation, renewing its pledges relative to the one commodity still dutiable.

The presence of the soldiers was a source of vexation all the more because of the payments for their support, and they by disorder and brutality added fuel to the popular flames. The people regarded the pole erected to the king and Pitt on the repeal of the stamp act as a symbol of liberty, while the soldiers were intent on destroying it. January 13, 1770, men of the Sixteenth regiment sawed the pole and tried to blow it up with powder, and when they failed turned upon a body of citizens and drove them into Montague's tavern near by, where they broke windows and furniture, and cut and bruised two of the patriots, before their officers were able to send them to their barracks. After three attempts on successive nights, the soldiers for defiance sawed the pole into billets and piled them before the tavern door. The people were stirred to wrath, and, summoned by handbills, met in the park the next evening, January 17, and declared that soldiers off duty appearing in the streets should be treated as enemies of the city. The Sixteenth regiment retorted with a scurrilous handbill, and three of its members in trying to post copies were next day seized by Isaac Sears and a companion and marched to the mayor's office.

An attempt at rescue was made by a band of twenty soldiers with swords and bayonets, but the citizens with stakes and clubs guarded the prisoners. The soldiers, under the mayor's order, were retiring towards their barracks, pursued by the citizens. On Golden Hill, in John street, between Cliff and William streets, another band of soldiers reinforced their retiring companions, and they halted and charged upon their pursuers. They wounded a Quaker standing in his doorway, and three other citizens, and cut down a sailor, and thrust one man through with a bayonet. Of the soldiers several received blows and bruises, and more were disarmed. The collision was checked by officers, who sent the soldiers to their barracks.

The soldiers showed their rage the next morning, January 19, by piercing with a bayonet the garments of a woman returning from market, and engaged in a riot with sailors who took the popular side, and one sailor was pierced through the body, and afterwards died. They refused to obey the mayor, who ordered them to their barracks, but they were driven back by a party of Sons of Liberty. In the afternoon, soldiers assaulted a group of citizens who bore stout canes, and tried to take these away. Sons of

Liberty again appeared on the scene, and once more drove the soldiers before them. One soldier was badly wounded in the shoulder, another was put in prison, and several were disarmed.

In this battle of Golden Hill, the people were for the first time arrayed against the British soldiers. The latter were not under officers and in battle array, nor were the former marshaled for regular fighting. The elements of the coming strife came into prophetic conflict. The Sons of Liberty gained their advantage by the organization which they had for some time maintained. This incident stirred the people of Boston to the spirit of resistance which two months later led to the massacre of citizens by British troops. The irregular fighting in New York was the beginning of the shedding of blood for the independence of America.

In New York, the people took courage and determination from the start. The corporation refused to allow another liberty pole to be set up to vindicate the rights of the citizens; but John Lamb and his associates, on ground bought for the purpose, erected to "liberty and property," a pole, bound with iron. Soon after, the Sons of Liberty consecrated Hampden Hall to their cause, and March 19 joined in an ovation to McDougall, still in prison for his criticisms of the assembly. Ten days later the soldiers attacked the new pole, and sixty of them charged on citizens who rallied in its defense. The bells rang an alarm, whereupon the officers recalled their men to the barracks. The pole stood until after the capture of the city by the British. It was the emblem of the first advantage gained by the colonies over British soldiers.

CHAPTER XXIII.

HESITATION. — DECISION FOR THE UNION.

1770–1775.

The British ministry placed its veto on a plan proposed by the assembly of New York, and approved by Lieutenant Governor Colden in November, 1769, for a general congress of all the colonies, ostensibly to provide uniform regulations for trade with the Indians. The home authorities saw the design of the New York patriots, which was, as Mr. Bancroft testifies, that such a union of the colonies would promote "the security and development of colonial liberty through an American constitution," and, as most of them hoped, "without dissolving the connection with Great Britain;" and to that end an invitation was extended to all the colonies to elect representatives to a congress which should exercise legislative power for them all. The ministerial veto postponed the project, which this middle province had so much at heart. The agreements for non-importation were also the device of New York, and were faithfully observed by the colony. While it had lost all but one-sixth of its imports, New England and Pennsylvania kept one full half, and Canada and the northern colonies increased their trade. The temper of New York was shown by the welcome accorded in May, 1770, to Nathan Rogers, a Boston merchant, posted for violating the non-importation agreement, who came or was suspected of coming as an emissary to induce the merchants of the city to open the port to importers. Some of the merchants, with a multitude said to number four thousand persons, bore his coffin on a gallows, and hunted for him with a view to personal chastisement. He learned their purpose, and returned to Boston.

The repeal by parliament of all the duties except those on tea started the question whether all other commodities might not be imported. By a personal canvass in July, 1770, eleven hundred and eighty persons in New York declared in favor of limiting the restriction to tea alone, while those who insisted on continuing total non-importation, although led by Sears and McDougall, numbered only three hundred. Philadelphia and Boston and Carolina were very indignant because New York would not keep on with its sacrifice for non-importation; but the action of this colony limited the contest over duties to the single commodity, tea.

This difference with its neighbors gave a gracious introduction, October 19, 1770, to the new governor (John Murray, Earl of Dunmore), who in his address to the assembly in December, welcomed "the salutary reconciliation effected by the people in this province," while the assembly, by a vote of eleven to five, expressed the hope that "the disposition of the inhabitants of the colony to renew commercial intercourse with the mother country" would lead to a "cordial reconciliation." The home government, however, relaxed nothing of its claims to control the revenue of the colonies. Governor Dunmore notified the assembly, January 18, 1771, that his instructions would not permit him to accept salary from the colony, but it would be paid from the king's treasury; for which, however, as he did not state, parliament would collect duties in New York. Then, as little more than a passing shadow here, Dunmore was transferred to Virginia, and William Tryon came from North Carolina to be governor of New York, July 9, 1771. He was received with feasts and addresses, and brought the reputation of a vigorous and able executive. By receipt of salary from the king's treasury, he was independent of the assembly, which did not criticise the arrangement. He evidently possessed qualities which in less troublous times would have secured success in administration; and he began to identify himself with the colony, as was the rule with his predecessors, by buying land for speculation, choosing a location north of the lower Mohawk. By repeated prorogations, the assembly was kept from meeting after his arrival until January 7, 1772. His address at the opening overflowed with the "ardent desire to coöperate in every measure that will best promote the honor and dignity of his Majesty's government, and advance the real felicity of a people eminently distinguished by their loyalty to the best of sovereigns and affectionate disposition to their mother country." The response was full of the like compliments, and of confidence in the wisdom of the new governor. Appearances certainly indicated that New York was weary of the contest with the home government, in which many of its people felt that it was bearing an undue share of the burdens. While the men of Rhode Island were burning the British cruiser Gaspee on the shores of Narragansett Bay, June 10, 1772, Governor Tryon and the assembly were attending to the internal affairs of the colony. The New York hospital was founded; Tryon county was set off from Albany, covering the settlements on the Mohawk west of Schenectady, and the militia of the colony was placed on a better footing than before.

In the summer Governor Tryon reviewed three regiments of militia at Johnstown, Burnet's Fields (now Herkimer), and German Flats respectively, and was so well pleased with their array that he appointed Sir William Johnson major-general of the northern department. At the first election Guy Johnson, nephew, son-in-law, and supposed heir of the general, and Hendrick Frey, were chosen to represent the new county in the assembly, and took their seats with the supporters of the government. In that body the most stirring division arose over the appointment of commissioners to settle the boundaries with Massachusetts and Connecticut. The commissioners were appointed, and the controversies, after leading to hand-to-hand fighting between the settlers, on the disputed territory were happily, although only temporarily, adjusted.

But the British government would not let New York pursue the paths of peace and internal development. The device of parliament to relieve the East India Company from the export duty on tea, and thus enable it to sell in America at a lower price, even including an import tax in the colonies, was proof that Britain was more intent on control over taxation in

America than on getting money from it. The attempt was cunning to ship tea at the same time to the four chief ports of the colonies, in the hope that one at least would fail to adhere to its pledge of non-importation. The shipments aroused Boston, Philadelphia, and Charleston; but nowhere was vigilance greater and decision more outspoken than in New York. The Sons of Liberty relaxed no whit in their assertion of colonial rights, and knew each other and were ready to act together; they forbade pilots to bring tea-ships inside of Sandy Hook; and "the Mohawks" were organized to watch the tea-ships and prevent the landing of the obnoxious article.

A New York merchant named Kelly, who had declared in London that the soldier at the head of the government of the province would reduce the rebels and land the tea, was for his words burned in effigy, November 5, 1773, by his indignant fellow-citizens. On the same day a public meeting made formal declaration that tea should not be brought in at all, duty or no duty. New York was again leading in the assertion of the most pronounced patriotism. Commissioners appointed to receive the tea on its arrival resigned the dangerous position November 10. The Mohawks were notified, November 25, that the tea-ships might soon be expected, and guards were set to intercept them. On the same day the Sons of Liberty resolved that any person aiding or abetting the introduction of tea, or buying it, or carting it, should "be deemed an enemy of the liberties of America." They were fully ready for the vessel bearing tea for New York; but it was driven out of its course by a storm, and put into Antigua for repairs, and did not arrive until April. In Boston, therefore, the Mohawks had the first tea-party, such as they had prepared for each of the ports. Governor Tryon, if his words may be relied on, would have been prepared to assert the royal power; for he declared that "the tea should be delivered to the consignees, even if it was sprinkled with blood." He thought it best, however, to try stratagem. December 16, the very day on which the tea was thrown overboard in Boston harbor, a meeting was held in "the Fields" (afterwards the City Hall park), to stir up the popular patriotism, when the governor proposed that on the arrival of the ship, all packages of tea should be placed in the fort, and held subject to the order of the king or the council. John Lamb, who had secured the appointment of a vigilance committee of fifteen to answer letters from Philadelphia and Boston, inviting union "to resist the insidious designs of Great Britain," exposed the governor's subterfuge, showing that if the tea were landed at all, the duty must first be paid. The meeting unanimously rejected the proposal, and significantly adjourned "till the arrival of the tea-ship."

Before it arrived, Governor Tryon sailed for England, April 7, 1774, for consultation nominally relative to difficulties over the boundaries in the vicinity of Lake Champlain, really doubtless relative to the general situation of affairs. On his departure a public dinner, a ball, and addresses from many societies testified to his popularity, and the degree of doctor of laws from King's College to esteem for his learning. The assembly of the colony joined in the general praises and courtesies, and eulogized the uprightness of a "governor who had so eminently distinguished himself by his constant attention to the care and prosperity of a free and happy people." Governor Tryon had reason for bearing to London testimony that New York was a loyal colony, if the assembly, and not the meetings in the city, fairly represented it. He delivered to the board of trade an elaborate report on its resources, industries, and trade, which remains as an instructive portraiture of the domain and its people. He returned to his post June 28, 1775, Lieutenant Governor Colden meanwhile exercising the executive functions.

While the New York assembly has been severely criticised for its lack of spirit in the years succeeding 1769, and for failing to keep pace with the political sentiments of its constituents, it added, January 20, 1774, another to the decisive steps which the colony had taken in the lead for continental union. The appointment of the speaker, John Cruger, and twelve other members, including George Clinton, as a standing committee on correspondence, proved to be of vital importance in subsequent events. The committee was directed to obtain early information of the proceedings of parliament and of action "which might affect the liberties and privileges of his Majesty's subjects in America," and to maintain correspondence with the sister colonies on these matters. The Palatine district of Tryon county showed the spirit of the rural people by a meeting held in July, 1774, at which eight resolutions were adopted on the state of the country, and a committee of correspondence was appointed.

In spite of some signs of apathy and of occasional hesitation, New York was at heart not only devoted to the union of the colonies against involuntary taxation, but was fertile in suggestions to that end, and prompt whenever the crisis arose for patriotic action. When the Nancy arrived, April 18, 1774, with its long delayed cargo of tea, pilots detained it in the lower bay, and the vigilance committee took possession, until the captain agreed to return to England with packages undisturbed. On his departure a public demonstration was given, so that "he might see with his own eyes the detestation of the citizens of the measures pursued to enslave this country." The next day the London arrived with tea brought as a private venture by the captain. The vigilance committee declared it confiscated; and, while the Mohawks were getting ready to destroy it, the people seized the chests, eighteen in number, and cast their contents into the river. The captain was sent back to England.

The Sons of Liberty were greatly incensed at the severe measures adopted by parliament and ministry towards Massachusetts in particular and the colonies generally. They sent to Boston, May 14, 1774, a recommendation signed by Sears and McDougall for a general congress. Some rivalry arose over the composition of the vigilance committee, and May 16 a committee of fifty-one was nominated to conduct correspondence with the other colonies. Three days later the nominations were confirmed, and large powers delegated to a sub-committee, consisting of Alexander McDougall, Isaac Low, James Duane, and John Jay. This committee recommended a general congress, and McDougall, who wanted first a stoppage of all trade, withdrew.

In order to secure more decided action, a meeting was held, July 6, in "the Fields," where McDougall presided over an immense assemblage; the act of parliament closing the port of Boston was denounced by resolution, and the people of that city were commended, while total non-importation was pledged and the call for a congress was approved. At this meeting Alexander Hamilton, a boy of seventeen, won applause for his first speech. The committee of fifty-one formally disavowed the proceedings of the meeting, and eleven of its members withdrew, and issued an address justifying their position. They included Francis Lewis, Alexander McDougall, Isaac Sears, Leonard Lispenard, and Peter V. B. Livingston, men who were then and afterwards conspicuous for ardent patriotism. When deputies to the congress were to be chosen, the committee of fifty-one nominated Philip Livingston, John Alsop, Isaac Low, James Duane, and John Jay, who were chosen in spite of an attempt to substitute McDougall for Jay. Suffolk, Orange, and Kings also chose delegates to the congress, while the towns on the Hudson, including Albany, invited the New York delegates to act for them.

This local contest was a sign of the divisions which existed in the colony. McDougall, Sears, Lamb, and John Morin Scott, and their organization, the Sons of Liberty, represented the most ardent patriotism, but not the merchants and the wealth. They were really for independence, and insisted on total non-importation, and on prompt coöperation with Boston in resistance to the measures of parliament. The tories, on the other hand, were disposed to submit to Great Britain on the best terms practicable. Between these wings stood most of the merchants, the landed proprietors, and the so-called gentry, who insisted strongly on the rights of the colonists, and protested against involuntary taxation, but looked confidently for reconciliation with the home government. They lost faith, some rapidly, some by slower degrees, in the prospect of adjustment. They furnished their full share of the leaders in the events which were to create the new republic. They moved more deliberately than the Sons of Liberty, but in the same direction, as the declaration of the candidates for congress, except Duane, in favor of the stoppage of trade, proved. On one side John Jay, Huguenot by blood, a son-in-law of William Livingston, began that career which bore him to the very highest diplomatic and judicial rank ; while on the other Alexander Hamilton, by the impetuosity of boyhood and West-Indian birth, took the radical position, devoting himself to the union for which he labored so ably and devotedly, in such eminent stations, with a wisdom and a foresight unsurpassed. They were to take their place among the foremost architects of the new republic; and it is no disparagement to others to allege that as jurists and statesmen they were not second to any men of their time.

In the congress suggested by New York, and assembled in Philadelphia, September 5, 1774, the colony exercised its full weight. Jay took active and influential part in the debates, and placed himself on the doctrine of natural rights, but held that "the measure of arbitrary power was not full, and it must run over before we undertake to form a constitution." Duane was willing to recognize the acts of navigation, and on motion of John Adams the suggestion was adopted. On the sub-committee on the Declaration of Rights, Jay and Livingston acted with Richard Henry Lee, and the authorship of that bold and stirring document is attributed to Jay. He wrote and reported the address of congress to the people of Great Britain, which remains a model of patriotic argument and appeal. "If you are determined," the address said, "that your ministers shall wantonly sport with the rights of mankind; if neither the voice of justice, the dictates of law, the principles of the constitution, nor the suggestions of humanity can restrain your hands from shedding human blood in such an impious cause, we must then tell you that we will never submit to be hewers of wood or drawers of water for any ministry or nation in the world." The American association recommended by this congress agreed upon a pledge to import no goods from Great Britain or the West Indies, until the offensive acts of parliament were repealed, and thus carried out the suggestions of the Sons of Liberty and New York's great meeting in "the Fields."

The New York assembly became the scene of a sharp and prolonged contest between the patriots and the tories. By a vote of eleven to twelve, the assembly refused to consider the proceedings of the congress. Philip Schuyler failed to secure an order to publish the correspondence of the New York committees with Connecticut and with Edmund Burke, now agent of the colony in London. Nathaniel Woodhull proposed to give thanks to the provincial delegates in the congress, but the majority refused; and Philip Livingston met with a like rebuff on a motion to thank the merchants for adhering to the non-importation agreement. The tories also secured a majority to refuse to consider the propriety of electing delegates to the session of the general congress appointed for May, although Schuyler and Clinton pressed the proposition with all their zeal and energy. On several divisions between the tories and patriots, the vote was fifteen in the negative and ten in the affirmative. The latter were Ten Broeck, Thomas, Dewitt, Van Cortlandt, Boerum, Seaman, and their leaders, Schuyler, Clinton, Woodhull, and Philip Livingston.

The assembly had ceased to be in any sense a representative of the sentiments of the colony, and, April 3, 1775, it adjourned to May 3; but it was prorogued from time to time, and never met again. One of its last acts, however, was to adopt, March 25, memorials to parliament reciting the grievances and asking for redress, with obvious desire for reconciliation. Even from a body which had showed such anxiety to be loyal, parliament refused to receive such a memorial, when offered by Edmund Burke. Such evidences were, perhaps, required to prove that only one path lay open to America, — the path through war to independence.

Alexander Hamilton in December, 1774, put forth perhaps the first of his series of essays in behalf of American liberty, at the same time expressing the "most ardent wish for a speedy reconciliation, a perpetual and mutually beneficial union." The press was enlisted actively on both sides. Rivington's "Gazetteer" was so violent in its toryism that Captain Sears, December 4, 1775, led a party which destroyed its office. If the tories had been as bold or felt as secure of popular support, they might have made like answer to the arguments of Holt's "Journal," which spoke on the patriot side.

The Philadelphia congress had recommended the formation of committees to "carry into execution the association" to prevent importations. In New York a committee of sixty was organized for that purpose. When the assembly refused to provide for the election of delegates to the next general congress, this committee sent out calls to the several counties to elect members to a provincial convention, to sit in New York April 20. Only nine counties responded; but the convention met, and elected delegates for the province to the continental congress, adding George Clinton, Francis Lewis, Lewis Morris, Robert R. Livingston, and Philip Schuyler to the previous list.

The force of public opinion was set in motion by the local committee by requiring signatures to a declaration in favor of colonial rights. The lines were thus sharply drawn, the timid were enlisted, and the doubtful made to choose sides. Other colonies soon adopted the same policy. Albany responded to the suggestion to form local committees. In April, after the battle of Lexington was known, a committee of safety, protection, and correspondence was organized, and an address was sent to Boston pledging coöperation "in this arduous struggle for liberty." May 4, four companies of volunteers were formed in the city, and the inhabitants of other parts of the colony were urged to follow the example.

In New York city a committee of one hundred was organized. This committee issued a call for a provincial congress, to assemble May 22, "to direct such measures as may be expedient for our common safety." Afterwards, April 19 was officially determined as the day on which royal rule ceased in New York, and on which the new government began. The provincial convention took the first action for the independent colony.

This was the beginning of actual political revolution. The provincial convention, and after it the provincial congress, thrust aside the general assembly, and assumed the authority of a representative body, exercising the functions of government. The committee of one hundred took charge of municipal affairs, and sent addresses to the corporation of London and to Lieutenant Governor Colden in tones of courtesy and loyalty. To London the committee said: "We cheerfully submit to a regulation of commerce by the parent state, excluding in its nature every idea of taxation. This city is as one man in the cause of liberty; our inhabitants are resolutely bent on supporting their committee and the intended provincial and continental congresses. All the horrors of civil war will never compel America to submit to taxation by authority of parliament."

This formal, deliberate action of New York was a surer sign of positive, unswerving decision than popular outbreaks; and yet both failed to awaken the British ministers from the delusion that the colony would submit to the crown and parliament. The Sons of Liberty prevented the shipment of lumber or provisions for the British troops in Boston. Isaac Sears at a public meeting urged the people to get twenty-four rounds of ammunition for each man, and when arrested and sent to prison was rescued by the crowd. April 24, when the battle of Lexington was first reported, the Sons of Liberty closed the custom house, and forbade the departure of vessels for ports held by the royal authority. A party under John Lamb seized a lot of military stores at Turtle Bay, and devoted them to the use of the colonial forces. The committee of one hundred took control of all arms and ammunition, and forbade the sale to any persons not of the patriot party.

New York was thus ranged unequivocally with its sister colonies. The tories, though numerous, were stunned by the popular demonstrations. The party divisions tended to array the Episcopal Church, under President Cooper of King's College, with many of the large land-proprietors, and the later English immigrants, on the side of the crown. Governor Tryon and Lieutenant Governor Colden had used their power adroitly to win support. The headquarters of the army gathered, by contracts and social influence, a peculiar following. The Dutch population and the Huguenots, the Scotch, the Irish, and the Welsh had no partiality for Great Britain, and were intense in their love for liberty. Englishmen from New England, the dissenters from the Established Church, the artisans, the young men generally, fell naturally into the patriotic party. The Sons of Liberty furnished an organization always ready for adventure, for bold and decisive action, with leaders whose courage never wavered, whose place was always in advance of public sentiment, who were from the outset fertile in suggestion, looking to union, and at an early day to independence. The British ministry and the representatives of the crown counted on the influences which controlled the assembly, and failed to see the popular movement which overwhelmed governor and legislators.

CHAPTER XXIV.

THE CONFLICT. — NEW YORK BEARS THE BRUNT.

1775–1780.

TICONDEROGA was already a historic point on the soil of New York; it held more than a hundred cannon, with stores, small arms, and a thirteen-inch mortar, guarded by a British garrison of about fifty. Its value as protecting the route to Quebec prompted the bold attempt to seize it, and, May 9, 1775, a party of eighty-three Green Mountain boys and men from Massachusetts crossed Lake Champlain, and under Ethan Allen the next day presented themselves at the stronghold. They rushed into the fort with the Indian war-whoop, and met with hardly a show of resistance. The adventure is one of the most striking of the war. "Deliver to me the fort instantly!" demanded Allen. "By what authority?" asked Delaplace, the commander, aroused from bed, and, as a report by Allen says, "with his breeches in his hand." "In the name of the great Jehovah and the Continental Congress," was the startling response of Allen; and the first of the few forts captured from British soldiers in the struggle was surrendered, with its garrison and contents, to the improvised troops of the republic yet unborn. Crown Point was given up, with its garrison of twelve men, as soon as Seth Warner led a detachment against it. Benedict Arnold, afterwards notorious, made a dash on Lake Champlain, and May 18 captured a garrison of twelve, with its artillery, at St. John's. The first forts were taken, the first British garrisons were made prisoners, on the soil of New York, by the forces of the united colonies.

In addition to the quarrel with the British government, the controversy over the so-called New Hampshire grants culminated in the spring of this year. Land on both sides of Lake Champlain was claimed under title from New York and from New Hampshire, and Lieutenant Governor Colden called out the militia to enforce the title of the former. Resistance was organized, and the Green Mountain boys set up for themselves. For Allen and Warner, the heroes of Ticonderoga and Crown Point, with six others, the governor of New York had offered a reward of £50 for insurrection. The larger conflict postponed the decision of the strife, which was finally adjusted by the creation of the State of Vermont. A popular convention framed a separate government, January 16, 1777; but owing to opposition from New York, the new State was not recognized by congress until March, 1791.

When the continental congress met again, May 10, 1775, in Philadelphia, its members were not aware of the capture made the same morning in its name. Other affairs in New York, however, called for a large share of its attention. Among the delegates from this colony and their accepted leaders were George Clinton, Robert R. Livingston, and John Jay. British troops had presented themselves in the harbor of New York, and advice was asked from congress how to treat them. Congress gave instructions that the landing of the troops should not be opposed, but that they should not be allowed to erect fortifications, and that the inhabitants should protect their persons and property and repel force by force. At the same time a Connecticut regiment under General Wooster was invited to encamp at Harlem for the defense of the city. The British troops came in, but were soon ordered to Boston, and were forbidden by the committee of one hundred to take any arms or stores with them other than their own weapons and accoutrements.

In spite of this order, an attempt was made to carry away all the arms that could be reached. Marinus Willett, afterwards a colonel in the patriot army, headed a small party of Sons of Liberty that stopped five loaded carts; and, encouraged by John Morin Scott, seized the arms, which were afterwards used by the first troops raised in New York for the continental army.

Guy Johnson was busy stirring up the Six Nations, according to the king's orders, "to take up the hatchet against his Majesty's rebellious subjects." Philip Schuyler was at the head of a committee to prevent their alliance with the king. Both sides used their best efforts, and protection was offered to Johnson if he would keep the red men neutral.

In the provincial congress which assembled May 22, 1775, and approved the "American association," Gouverneur Morris, only twenty-three years old, gave token of the eminent ability which he inherited, and which he was to exhibit in a long and illustrious career. He carried against Sears and McDougall a recommendation for a plan of conciliation, admitting the right of the mother country to regulate trade, and the duty of the colonies to contribute to the royal treasury by grants made by the separate assemblies or by a general congress. Mr. Morris in this body also proposed the issue of paper money, of which each colony should be responsible for its share, and the whole should be guaranteed by the general congress. This was the beginning of the continental currency. The provincial congress showed its temper when on the third day of its session it condemned the prosecution of hostilities against the people of Canada as "infamous."

Preparations for war, however, were going on, although Jay in the continental congress moved for a second petition to the king, and Duane moved the "opening of negotiations to accommodate the unhappy disputes," as a part of the petition, and both were sustained by a majority. Congress forbade movements initiated in New York for the invasion of Canada, while an address written by Jay to the people of that province invited their coöperation with the other colonies. With these efforts for peace, congress, May 25, directed New York to fortify the upper end of Manhattan Island and both sides of the Hudson, with a post near Lake George. Events moved rapidly. When George Washington passed through New York, June 25, to take command of the continental army at Cambridge, Massachusetts, he was tendered an address by the provincial congress, not altogether warlike in tone. Governor Tryon returned to his post June 30, 1775, and three days later received the congratulations of the mayor and aldermen. Lieutenant Governor Colden's last acts were efforts at conciliation and the transmission of a request to General Gage not to send soldiers into the city. He retired to a farm on Long Island, and there died, September 28, 1776. Governor Tryon remained to represent the king in his schemes for crushing the liberties of the colony.

The patriot leaders were in training for the large events at hand. Isaac Sears, now captain, was sent, August 22, to remove the guns on the Battery. A broadside from the war vessel Asia in the bay killed three of his party, in which Alexander Hamilton was active and efficient. When soon afterward the populace threatened personal injury to President Cooper of King's College, young Hamilton checked the violence to the surprise of his tory instructor.

On the call of the continental congress, the colony soon raised its quota of three thousand men, and they were divided into four regiments, with Alexander McDougall as the first colonel. Philip Schuyler was the third of four major generals appointed by the general congress, and Richard Montgomery, a brother-in-law of Robert R. Livingston, was the second in a list of eight brigadier generals. Schuyler was placed in command of the northern department, and an expedition against Quebec was planned. On account of his serious illness the command fell on Montgomery, who showed great zeal and courage. His force of eight hundred men was too small for the capture of the city, and his death, December 31, from a cannon shot added to the disasters of the campaign.

This expedition against Canada took from New York city its continental troops, and congress ordered a force from Connecticut under General Charles Lee, and from New Jersey under Lord Sterling, to assert its power in that vicinity. The tories on Long Island were disarmed, and efforts were put forth to prevent British ships in the bay from control on land. Sir William Johnson had died July 11, 1774, and his son, Sir John, and his nephew and son-in-law, Guy Johnson, who were staunch supporters of the crown, were arming the Scotch Highlanders. To the committee of Tryon county who called upon Sir John to avow himself, he declared himself for the king, and signs were many that he did not mean to act alone. General Schuyler, in May, 1776, directed a regiment returning from Canada, under Colonel Dayton, to arrest him on the charge of violating his parole to abstain from hostile acts; but both Johnsons escaped into Canada with many followers, and entered into the military service of Great Britain, and came back to bear slaughter and ruin.

A committee of safety in the recess of congress wielded the power of government, and committees in the counties supplemented its authority. Together they went forward without written laws, and exercised military control. In the Mohawk Valley such organization was formed in the summer of 1774. Nicholas Herkimer, soon to be brigadier general by appointment of congress, a descendant of a Palatine immigrant, was chairman of the Tryon county committee, and became the commander of the local forces raised for the war. These organizations stirred up the patriotism of the people and circumvented tory intrigues.

Two efforts were made to get together a quorum of the second provincial congress. The first, for a session in October, failed; and when the body met, December 6, Queens and Richmond refused to send delegates, because they were under tory control. Governor Tryon was held responsible for the course of these counties, and, hearing that his person was to be seized, he asked pledges that he should not be arrested. The chairman of the city committee assured him of "all protection from the citizens consistent with their own safety and preservation." Knowing his own plans, he took refuge on the sloop of war Halifax in the bay, October 19, 1775, and there and on another vessel, the Duchess of Gordon, exercised his executive functions. His eyes pierced the future; for he told Lord Dartmouth, in an official letter, July 4, 1775 (prophetic day!): "Oceans of blood may be spilled, but in my opinion America will never receive parliamentary taxation."

The test was at hand. Before he fled to the war-vessel, he declared that "the Americans, from politicians, are now becoming soldiers." The tories and patriots were arming in the Mohawk Valley, but the latter held the ground. In Schoharie, a patriot band put to flight a tory body with red cockades, and slew Neckus, an Indian chief, and thus exasperated the Iroquois. General Schuyler did not favor using the red men in the war, although Johnson was marshaling them on the side of the tories. James Dean secured from the Iroquois chiefs, March 28, 1776, the renewal of a pledge of neutrality; but his efforts and those of Samuel Kirkland held only a part of the Oneidas to their faith.

In New York city, colonial forces had been concentrated, although some patriots were unwilling to draw to that point the force of British attack. While it was not possible permanently to hold the city for the colonies, it was wise to check the British movements at every point. General Washington was therefore right in ordering General Lee to occupy the city, as he did on the very day when Sir Henry Clinton's squadron sailed into the harbor. Perhaps it was Lee's presence which induced Clinton simply to pay "a visit to his friend Tryon," and to sail to the south. The danger was only postponed; and Washington, with such an army as he could gather, came himself, April 14, 1776, to direct affairs. While congress was preparing the Declaration of Independence, reported by a committee of which Robert R. Livingston was a member, New York city was the centre of stirring war movements. Fortifications were built. Great activity was exhibited in making implements of war. Brass field pieces, fourteen pounders, and iron twenty-four pounders were cast, as also their shot. Powder was made, and small arms were manufactured, although some trouble was met with about the locks. A fleet was gathered of such boats as were at hand, to prevent communication between the British war vessels and the shore, and to watch the tory movements.

A committee, of which John Jay was chairman, arrested Oliver DeLancey and other tory leaders for conspiring with Tryon, and seeking to enlist men for the king's army; but when the populace rode other offensive persons on rails, a formal censure was voted by the provincial congress. That body was intent on observing all the forms of law, and May 31, on account of the "dissolution of the former government," it called for a new election to organize institutions "to secure the rights, liberties, and happiness of the good people of the colony." The election was held June 19, and was strongly in favor of union and independence. The records of the colony were removed to Kingston, to preserve them from the British forces, and the new provincial congress met at White Plains, where, July 9, on motion of John Jay, who had been summoned from Philadelphia for counsel, it approved of the Declaration of Independence, which was publicly read in New York and Albany, with every manifestation of popular joy. Meanwhile the colony had organized its militia, and added it to the army, numbering all told 10,514, finally raised to 17,000, which Washington had rallied, and with it, undisciplined, and with such arms as could be found, he was to confront a force of 24,000 British veterans with hosts of tory allies. General Howe landed on Staten Island early in July, and his brother, Admiral Howe, was already in the bay with his fleet. On Long Island, General Israel Putnam was in command of the patriots. Over that island

General Howe chose his route to the city. In his preliminary movements, a patriot detachment under General Sullivan was captured. Lord Stirling, when attacked, made a gallant stand, but was beaten and captured; Oliver DeLancey, who had been appointed a general, led a party which captured his former associate, General Nathaniel Woodhull, and the latter was so stabbed with a cutlass that he died of his wounds.

General Washington gave his direct attention to the general movements, but in the battle of Long Island, fought August 27, the immediate commander was, on the patriot side, General Putnam, while General Howe controlled the British movements. The disparity between the forces in numbers and all accessories was too great to render the result doubtful. Washington estimated the American loss in prisoners at 1,000, and 200 were killed and wounded. The British reported a loss of 367 killed, wounded, and prisoners. By this battle the British secured the chief seaport, and the political and military centre of the royal power in the colonies. Their victory was inevitable, but it produced at first almost a panic, especially in New York. Distrust of the fighting ability of the colonists was fostered, and the ranks of tory regiments in this colony received large additions.

Washington met the emergency in the only way open for saving the remaining force, so poorly disciplined and worse equipped and armed. By deceiving the enemy, he withdrew it safely from before the victorious thousands of General Howe. Tarrying in the city until September 12, he then, on the advice of a council of war, abandoned that position and encamped his army on Harlem Heights. Howe took easy possession of New York, and, by sending frigates up the Hudson to cut off supplies, soon compelled Washington to fall back to White Plains. There, October 28, a battle occurred, where the American loss was nearly 400. Fort Washington was captured by the British, November 16, and Fort Lee two days later. Washington was compelled to leave New York to its fate, and started on his retreat through New Jersey. The British boasted nearly 3,000 prisoners, and were able to make the city the base of their operations until the treaty of peace was signed.

They were not so fortunate in the interior of New York. General Gates had been placed in command of the patriot forces that were retiring from the ill-fated Canadian expedition. General Arnold attempted a movement on Lake Champlain, but lost his boats, although winning credit for daring and skill. Crown

Point was given up to the British, October, 1776, under pressure of movements directed by General Carleton from Quebec; and June 16, 1777, General Burgoyne occupied that position. The plan of the campaign was comprehensive. Howe was to ascend the Hudson, breaking down all opposition before him. From the west, St. Leger was to descend by way of the Mohawk Valley. They were both to join Burgoyne, and the united armies in the vicinity of Albany would divide the colonies, and be ready to strike in any direction. With New York thus won, independence and nationality, the British ministry believed, would not be possible for the Americans.

Lord Germaine, at Whitehall, neglected to give the necessary orders to Howe, and that factor in the strategy failed. The movement by St. Leger was regarded as an essential feature in the operations. He was not only specially selected, but his troops and equipments were carefully designated by the war office. The headquarters of the northern department of the American forces were at Albany, and General Schuyler, who was in command, well understood that Burgoyne must be fought in his right wing on the upper Mohawk, as well as in front along the route by Lake Champlain. For the first purpose, Fort Stanwix was strengthened, and the garrison, under Colonel Peter Gansevoort, was warned of the advance of St. Leger. That commander, skilled in border warfare, brought with him a force of 1,700 fighting men, including, as he reports, "artillery, the thirty-fourth and the king's regiment, with the Hessian riflemen, and the whole corps of Indians," with Sir John Johnson's regiment of Royal Greens, and John Butler's Rangers, both recruited from the tories of Tryon and Schoharie counties. Joseph Brant led the Iroquois, who sent four tribes, the Oneidas and Tuscaroras alone standing aloof. The advance from Montreal was by way of Buck Island and the eastern mouth of Lake Ontario. The invaders pressed forward without meeting an obstacle, and August 3 invested Fort Stanwix, which the leaders had promised the Indians would "fall without a single shot." They expected, when the fort was won, to sweep down the valley with rapine and destruction, and unite with the forces of Burgoyne.

Colonel Gansevoort held the fort with the third New York regiment; and the very day before the enemy appeared, Lieutenant Colonel Mellon, of the Massachusetts line, arrived with two hundred men and a convoy of boats loaded with supplies. This force withstood the siege, and arranged to coöperate with the army that was hastening forward to check the invaders.

For the invasion had roused the patriots, and General Nicholas Herkimer rallied the farmers of the valley for the defense of their homes and the relief of the garrison. He summoned all the male inhabitants between sixteen and sixty years of age, and eight hundred responded to the call. They were nearly all by blood Germans and Low Dutch, although the roster shows the presence of a few persons of English, Scotch, Irish, Welsh, and French origin. The little army reached Oriskany, six miles from the fort, August 6. Taunted for slowness in his movements, Herkimer hastened his advance, without taking necessary precautions against an ambuscade, of which he had received notice. This had been set on the western banks of a ravine, a mile from the Mohawk. From the woods the British forces greeted the advancing patriots with a deadly fire. Lines of battle were not maintained. The British regulars and the German chasseurs were not equal here to the sturdy farmers of the Mohawk Valley, and to the red warriors. On the patriot side, a few Oneidas only confronted the four tribes of their confederacy, and tradition represents an Oneida maiden beside a chief, her father, using her rifle in the thickest of the fight. Checked at the first fire, the patriots rallied, took shelter behind trees, or, standing back to back, aimed at the foes who seemed to surround them. Often the combat became close and personal. The Indians rushed on with their tomahawks, and the patriots met them with knives and the butts of their guns. In lack of arms, some of the patriots fought with spears. Old neighbors, tories on the one side and patriots on the other, fought hand to hand. Eyewitnesses have related how by spear-thrust and bayonet, by rifle-butt as well as by bullets, invaders were killed. The slaughter became so terrible that the red men suspected that they were betrayed, and for a while turned their weapons against their allies, and then withdrew. The fighting began at ten o'clock in the morning, and lasted for five hours. While the battle was raging and the patriots were holding their own, Colonel Marinus Willett, according to the plan agreed upon, made a sortie from Fort Stanwix against the British camp, and thus forced the recall of the columns that had marched to Oriskany. The fort and the garrison were saved, and the invaders checked and compelled to turn back.

The battle of Oriskany was, for the numbers engaged, the bloodiest, as it was perhaps the most picturesque battle of the Revolution. The patriots lost, besides wounded and prisoners, two hundred killed, one-fourth of their whole army; while the British suffered a loss of one hundred and fifty killed and wounded, and the Iroquois were discouraged by the sacrifice of sixty or seventy of their chiefs and warriors. General Benedict Arnold was ordered by General Schuyler to organize and lead an expedition to relieve the beleaguered fort; and rumors of this movement went long before it, for he did not reach Fort Stanwix until August 24. Two days before, St. Leger fled. He left his tents with most of his artillery and stores, and his men threw away their packs as spoils for the patriots. The flight became a disgraceful rout. The Indians butchered alike prisoners and British, who could not keep up with their swift retreat. St. Leger quarreled with Johnson, and the collapse of his expedition was utter, and the victory of the yeomen of the Mohawk Valley was for the time complete.

The battle broke up the plan of the grand campaign, and it proved that the colonists would fight, and fight well, against the veterans of the British armies and their allies. It turned the tide of defeat and of despondency which the events of the preceding year had raised. It not only prevented coöperation by St. Leger with Burgoyne, but enabled the militia of Tryon and Schoharie counties to join the army at Saratoga. Every available element of strength was imperatively needed there.

General Burgoyne was slow in gathering his army of invasion, but he massed it at Crown Point June 27. As it appeared on Lake Champlain, it is described as "forming the most complete and splendid regatta ever beheld." Its commander was full of confidence. In his order he announced, "The services required of this particular expedition are critical and conspicuous," and declared, "This army must not retreat." The forces comprised 3,724 British rank and file; 3,016 German auxiliaries; Indians, 400; artillerymen, 473; Canadians, 250; showing a total of 7,863. From Canada a column of 2,000 militia was expected, but that province took no zealous part in fighting the battles of the crown.

General Schuyler arranged for the defense of Ticonderoga, although many officers regarded it as untenable. His decision was wise, even if no other result could be attained than to delay the invaders. General St. Clair, however, permitted the British to secure command of neighboring eminences, to one of which cannon were hoisted from tree to tree, and found himself compelled to evacuate the post, July 5. A part of the retreating flotilla was captured by the British; some batteaux were fired to keep them out of the hands of the enemy; and the Americans on their retreat destroyed the fort and mills at Skenesborough (the present Whitehall), where Burgoyne soon established his headquarters. At Hubbardton the invaders fell upon twelve hundred Americans, and overpowered and scattered them. On reports of these disasters, General Schuyler hastened from Albany to Fort Edward, where, when St. Clair's forces came in, and with all efforts at recruiting, he was able to rally only 4,467 men, poor in equipments, ammunition, and supplies. But Burgoyne had already blundered. An investigation before the house of commons afterwards held that he should have proceeded by way of Lake George southward, and should have made haste to reach Albany. General Schuyler, from Fort Edward, blocked Wood Creek and the road for fifteen miles to the north, and removed the bridges. So formidable were the obstructions that the British army spent twenty-four days in advancing twenty-six miles.

The American commander was thus active and was full of courage. He wrote that the enemy would not see Albany in this campaign. As Fort Edward was in ruins, and was not regarded by military engineers as defensible, it was abandoned by Schuyler July 27, and three days later, General Burgoyne took up his position there. After a council of war, the American army was withdrawn gradually with all its artillery to Stillwater, and soon to Van Schaick's Island, nine miles north of Albany, while renewed efforts were put forth to collect reinforcements. Burgoyne showed no haste. He spent the time until the middle of August in bringing his provisions and ammunition to Fort Edward.

The position was not unfavorable for the Americans. St. Leger's defeat and retreat were the ruin of the British right wing. No immediate danger was apparent from the lower Hudson. Schuyler had checked the movements of the vastly superior force of Burgoyne, which was growing weaker as it advanced to difficulties constantly increasing. On the other hand, the patriots of the Mohawk Valley and the column which Arnold had led to Fort Stanwix were coming into the American camp; but the militia of New England, earnestly looked for, did not respond to the summons, and their absence threw shadows over Schuyler's hopes. Not only now, but at that time, an impartial judge should concede that this general had consummated the plans and prepared the means for the overthrow of the British army of invasion. But congress yielded to criticism of the loss of Ticonderoga and of the tactics of the American commander, and, August 4, although General

Washington declined to comply with a request to name an officer to relieve General Schuyler, that body appointed General Horatio Gates to the head of the northern army. The battle of Bennington, August 15, taught Burgoyne that he could not get sufficient supplies from the country, and that the regular soldiers of the Old World met with dangerous enemies in the farmers of the frontiers. When General Gates assumed command of the northern army, August 19, he was received with courtesy by Schuyler, and made no change in the plans of the campaign. The troops that were coming in were subjected to strict discipline, and the preparations for meeting Burgoyne were carefully perfected.

The British general could not secure from Canada before September 12, a supply of provisions for thirty days, which he deemed necessary for his advance. The next day his army crossed the Hudson, and, September 14, encamped at Saratoga, where the harvests on the homestead of General Schuyler were reaped to feed the troops. In the mean time, September 8, the American army moved northward to Stillwater, and, on a review of the ground, to Bemus Heights, overlooking the river, where General Kosciusko, the engineer-in-chief, erected fortifications. Here Gates took up his position on the day that Burgoyne decided to advance.

A movement in the rear of Burgoyne's forces was begun September 13 by Colonel Brown, who swept over all the outposts from Fort Edward to Fort George and Ticonderoga, destroying for the time all the communications, and exposing the weakness of the British situation.

General Stark arrived in the American camp with the New Hampshire militia, September 18, and they were welcomed for their recent victory at Bennington; but, as their term of enlistment expired that day, the men refused to unpack their baggage, and, although a battle was known to be imminent, they marched away home.

Burgoyne was actually in motion for an attack which his necessities forbade him to delay longer. Starting September 17, his columns were not ready for action until the 19th. His plan of battle was elaborate, and his forces well arranged, and were admirably directed. He led the centre in person, and the battle was severe and bloody, and was pronounced one of the longest and most obstinate of the war. On the British side, 3,500 men were brought into the field, and they were met by 3,000 Americans. Attack and counter-attack were repeated; the American rifle was opposed to

British discipline and the British bayonet. The advantage changed from side to side, as the superior generalship of the British struggled with the soldierly qualities of the Americans. In Burgoyne's army the loss in killed, wounded, and missing was six hundred; in that of Gates, three hundred and twenty-one. Victory was claimed by both armies. An invading expedition could not afford many such victories, counting numbers only, and still less could it hope to conquer so sturdy and determined a foe. Burgoyne, at all events, was not able at once to renew the assault.

The American army was all the while receiving reinforcements. The influence of Schuyler brought in a band of the Oneidas and Tuscaroras. The British commander grew uneasy because he heard of no supporting movement up the Hudson, while he was compelled, October 3, to reduce the rations of his soldiers, failing to levy supplies from the country, and suffering from the severing of his communications.

Burgoyne himself led out a force of fifteen hundred men and ten pieces of artillery, October 7, to test the American position, and to cover a foraging party. Suddenly attacked on his left and then on his right, he was compelled to retreat with the loss of six hundred killed, wounded, and prisoners, leaving eight guns.

Among those mortally wounded were General Fraser, one of the most competent field officers, and Sir Francis Clark, principal aide, while others of high rank were killed or prisoners. The American loss did not exceed one hundred and fifty killed and wounded. The battle closed with a successful attack by General Learned on the intrenched camp of the Germans and Canadians, but darkness put an end to operations.

The same night General Gates sent a column to hold the crossing of the Hudson at Saratoga. This movement in his rear alarmed Burgoyne, and he retreated, reaching Saratoga on the night of the 9th, and on the 10th he encamped on the height above the Fishkill. Thither Gates followed, and took position on Saratoga Heights. In the midst of a heavy fog, October 11, an attack was ordered by Gates, in the belief that the British were still retreating, but they were found in line of battle. The American artillery was turned upon the passages of the river, and on the boats as well as on the camp and the army. Burgoyne stated afterwards that the guns commanded every part of his position. No way of retreat was left open. The invasion was a confessed failure, and capitulation only remained for the army that started with the order that it "must not retreat." The two battles which shattered the strength of the invaders were for a while named after Saratoga, as the more prominent place; but the centennial celebration has taught us to call them the first and second battles of Bemus Heights, the spot where they were fought.

Saratoga retains the distinction of the final acts in the invasion. There negotiations were begun, October 14, between Gates and Burgoyne, which resulted in a convention, three days later, for the surrender of the British army. That army laid down its arms, October 17, on the north bank of the Fishkill, and Burgoyne, with his generals of division, Riedesel and Phillips, was received at the American headquarters by Gates and Schuyler, the latter coming from Albany to witness the British commander give up his sword. The troops included in the surrender numbered 5,791, of whom 3,379 were English regulars and provincial militia, and 2,412 Germans, and the artillery consisted of twenty-seven cannon. The Americans had rallied at this time a force of 11,098, counting 7,716 men of the continental army and 3,382 militia. Burgoyne had no possible alternative but surrender. Beaten in fight, with his lines of communication cut off, he was overpowered and practically surrounded by columns against which further struggle was hopeless.

Ticonderoga and Crown Point fell at once into the hands of the Americans. Sir Henry Clinton had in the meanwhile ascended the Hudson River to West Point, capturing two forts and burning Kingston. But Oriskany and Saratoga shattered the plans of a grand campaign. The attempt to cut the colonies into two parts with the British army between them had failed. The brave fighting of the colonial army had given pledges that independence would be won. France saw that its alliance would insure the creation of a new nation in America. Victory was not assured for the united colonies, but these events on the soil of New York rendered it possible.

New York was to suffer still more from bloody conflict. Its chief city was hopelessly held by the British army as its official headquarters. The Six Nations were stirred to hostility by Sir John Johnson and the Mohawk chief Joseph Brant, with Walter Butler, of infamous name. Their tory partisans were more cruel than the red men. At Cobleskill, Schoharie county, June 1, 1778, Brant won a savage triumph with a mixed force, and burned and plundered the settlement. Springfield was also destroyed, and the assailants retired. A month later the Indians were again at Cobleskill, and, burning where they went, beat off a force that attempted to check them. The valley of the Schoharie-kill was in the succeeding year subjected to invasions from the Senecas, and suffered severely. About Fort Stanwix the tories and red men were continually hovering, and more than once persons were pounced upon and scalped in sight of the works. In 1778, in the early autumn, German Flats was visited by Brant and his followers, and was entirely destroyed, although all the inhabitants but two were warned in season to escape with their lives. An expedition was sent after the Indians, but failed to bring the warriors to battle, and was rewarded only by laying waste the Indian villages of Unadilla and Oquaga, and capturing a large supply of cattle and provisions.

At Cherry Valley a fort had been built, and the village was occupied by a band of colonial troops under Colonel Ichabod Alden. He rested in security, and the settlers were scattered in their habitations, regardless of warnings of approaching foes. Under cover of a severe storm of snow and rain, November 11, Brant and Butler, with eight hundred Indians and tories, swooped upon the homes, and forty-three persons, including women and children, were butchered, forty taken prisoners, all the buildings were burned, and the domestic animals seized. So brutal was the massacre that Brant charged Butler and the tories with acting against his protests. Brant himself was content, July 19, 1779, with destroying the church, mills, houses, and barns at Minnisink, Orange county, without sacrificing lives, but turned upon a party sent in pursuit, and, after capturing a detachment, butchered the wounded, and slew forty-five who tried to escape.

Such deeds produced a terror in the colony. No one knew where the red men and tories would strike next. To check and counteract them, excursions were made against the tribes in their homes. One of these was led by Colonels Van Schaick and Willett from Fort Stanwix in April, 1779. Proceeding by Wood Creek and Oneida Lake, they penetrated the villages of the Onondagas, which they destroyed, and seized the provisions and even the weapons of the red men, who fled into the wilderness. In the same year, General Washington ordered an expedition into the Seneca and Cayuga country, to break the power of the tribes, as well as to punish them for their outrages. General Sullivan led the main army from the south, while General James Clinton conducted a column by way of Otsego Lake and the Susquehanna Valley. They destroyed the crops of the Senecas, and ravaged their country wherever they marched. At Newtown, near Elmira, they assembled their army August 29, and found Brant and Johnson and Butler, with a following numbered at eight hundred tories and Indians. The American forces won an easy victory, and their foes scattered and fled.

The victors marched northward, destroying orchards, cornfields, frame houses, and villages indicating progress in civilization, in all the region about Seneca and Cayuga Lakes, including the castle near Geneva and the old town of Genesee. September 16, the destroying army recrossed the Genesee River, and carried devastation to the Cayugas and Onondagas. With a loss of only forty lives, eighteen Indian villages had been annihilated, and one hundred and fifty thousand bushels of corn and immense quantities of other provisions were destroyed. The tribes were stripped of their homes, and, for the purposes of the Revolution, the Six Nations ceased to be organized allies of the British crown. They were reduced to wandering pillagers, to revengeful, uncompromising warriors, who struck where they could, and sought to wreak vengeance on all the settlements, while they no longer had homes to be assailed. The Oneidas suffered no less from the forces of the king. Their castle was destroyed, and the tribe was so completely impoverished that support by the American government was a necessity until the close of the war.

Local raids upon the white settlements fell now upon Little Falls, on the Mohawk, burning mills, and now along the base of the Catskills, where the tory inhabitants pointed the way for the marauders. Individuals, families, were murdered. All the incidents of border warfare can be found in the personal narratives which have been preserved. In the interior of the State, all the waters, and all the paths blazed in the woods, have their stories of heroism and suffering. They rival the pages of romance in the daring, in the ingenuity, in the diversity of experience, exhibited on both sides, and in the persistence with which the settlers held to their homes, often assailed, and more than once destroyed.

Sir John Johnson and Brant were the leaders in a bold and sweeping raid by the tories and their allies. May 21, 1780, the Mohawks and the tories came down from Canada, by way of Lake Champlain, to Johnson's old home at Johnstown. Dividing his force of five hundred, consisting of British regulars, and his own Royal Greens, with Indians and tories, he burned Tribe's Hill and Caughnawaga, murdering as he went. He made his headquarters in his own homestead, collected his prisoners, carried away the silver plate of his family which had been hidden, and, although a force was sent to stop him, he was able to get away without loss. In October of the same year, he led a force of six hundred men by way of Oswego across the country to the Susquehanna Valley, where it was joined by Brant and Cornplanter with a body of red men. They ravaged the Schoharie Valley, laid siege unsuccessfully to a fort at Middleburg, and, turning to the north, harassed the patriots and laid the country desolate. From Fort Hunter, in the same month, he let his forces loose into the Mohawk Valley, and burned and plundered as he marched. At Stone Arabia, a small garrison under Colonel John Brown occupied a stockade called Fort Paris, and, expecting cooperation from a column under General Van Rensselaer, it came out from the works to fight Johnson, when the commander and forty men were killed, October 19, and the few survivors fled. When General Van Rensselaer arrived at Klock's Field, St. Johnsville, he had an army of fifteen hundred men. He was slow in attack, and when he gained an advantage he failed to press forward upon the enemy. Johnson fled from the field, and the next day

Van Rensselaer pursued as far as Fort Herkimer. On his retreat, the tory chief captured a detachment sent to seize his boats at Fort Stanwix, and then made his way safely to Oswego.

When the British troops took possession of New York city, the continental congress met the disaster with a strong and hopeful address, written by John Jay, appealing for fortitude for a cause which was admirably stated. The patriots of the city were put under martial supervision. The tories, headed by Judge Horsmanden and Oliver DeLancey, welcomed Governor Tryon and the British general and admiral, while Queens and Suffolk counties showed a majority for the king. Tryon exerted himself to the utmost for the royal cause, and earned the hatred of the patriots for his severity. He was attainted by the legislature October 22, 1779; but when he went to England he was honored by the crown, and raised to the rank of lieutenant general, dying in 1788. He was the last royal governor, for his successor, General James Robertson, came in 1780, when the colony had ceased to look to London for authority, and was already a State in the Union.

The treatment of the prisoners captured by the British during the war is one of the darkest chapters in the history of the occupation of New York city. Prisons were prepared in churches, in public buildings, in the old sugar-house, in the ships in the bay. They were crowded with patriot officers and privates, whose treatment was a scandal and a shame. The provost marshal was Cunningham, appointed in 1775, and serving through the war ; severe, unyielding, and bitterly hated by the patriots. The new jail under his own charge was the most infamous of the dungeons. The horrors of the prison ships have passed into tradition. The sufferings, the indignities, the deaths, were a part of the price paid for independence. The measure of cruelty is suggested by the statement that, of three thousand prisoners taken at Fort Washington November, 1776, only eight hundred survived for exchange May 6, 1778.

Thus New York was made to endure every evil of war. The colony was a series of camps. Battles and marauding expeditions, massacres and the burning of towns, extended over all its inland portions, while the chief city felt the burdens of the headquarters of the royal forces, and the horrors of a multitude of prisons. Yet the colony did not waver, although suffering beyond any of its sisters. In the face of hostile armies, it was first to start a movement for state organization, and it held steadily on the path to independence.

CHAPTER XXV.

WAITING FOR VICTORY. — ADOPTION OF CONSTITUTIONS.

1777–1788.

POLITICAL organization in New York went on in spite of war and its horrors. The provincial congress which met July 9, 1776, assumed the name of the Convention of Representatives of the State of New York. As soon as it had given its pledges to sustain the Declaration of Independence, it appointed a committee, with John Jay as chairman, to prepare a form of government. The military operations in the colony postponed a report until March 12, 1777, and the adoption of the constitution did not take place until April 20. Authority was derived from the people, but property qualification was required for electors and for members of the senate, although not for the assembly; and a council of revision and appointment designated many local offices, and exercised a power of review over acts of legislation. The governor was the head of this council, and with him were associated four senators chosen by the assembly. So curiously constituted and clothed with such powers, and finally treating the governor as only a member on an equal footing, the council became in time the subject and the field of sharp controversy.

"In the name of the good people," the constitution declared "the free exercise of religious profession and worship, without discrimination or preference, to all mankind;" and no distinction of rights was based on color, although slavery was recognized, in spite of Gouverneur Morris' labors to provide for its gradual abolition. Comparison proves that no other State exhibited so much liberality in its constitution, or produced at that period a document of so much merit, as New York, far as that fell below the standard which the State has since attained in its jurisprudence.

The convention appointed John Jay chief justice, Robert R. Livingston chancellor, with other judges, and designated a committee of safety, with John Morin Scott as chairman, to exercise all powers until the state government could be organized. Owing to the British possession, the convention appointed the first senators from the southern district, and members of assembly for New York, Kings, Queens, and Suffolk. The returns of the election for governor were made to the committee of safety. Votes were cast for John Morin Scott, John Jay, Philip Schuyler, and others, but George Clinton was chosen by a plurality, with Pierre van Cortlandt lieutenant governor. The governor was in active command of troops in the field, and did not enter upon his civic duties until after the surrender of Burgoyne. His executive responsibilities were, indeed, in no small degree, military for several years. Of Irish descent and good education, he was trained as a lawyer. He was now thirty-seven years of age, and had been acting in politics for nine years. A leader on the patriot side in the assembly, he sat also in the continental congress and voted for the Declaration of Independence. In the field he was brave and energetic, if not always successful. A radical in his patriotism, he had less scholarship and statecraft than Hamilton and Jay and Scott and Livingston, and more of the qualities which win popularity than any of his contemporaries in the State, as was proved by his election seven times, six in direct succession, to the office of governor, which he held for twenty-one years, and by his elevation to the vice-presidency.

With the British in possession of the Hudson and its adjacent territory up to the Highlands, except a part of the counties of Westchester and Orange, and holding the fortified posts on the north, and with the Indians on the western borders of settlement and pouring into the Mohawk Valley, the new State was practically concentrated in the region from the Highlands of the Hudson to Lake George, and from Albany not far west of Oneida Lake. It exercised all the functions of government, and maintained its position in the Union with unswerving fortitude. The legislature accepted, February 6, 1778, the Articles of Confederation adopted by congress. In the cabals against General Washington, instigated in behalf of Gates, and sustained by leaders who complained of the slowness of the armies, the representatives of New York were zealous in favor of the commander-in-chief, and their attitude went far to check the conspiracy against him.

The chief operations of the war were in the later years transferred to the South. Washington sought to occupy the British forces in New York, so that they might not give aid especially to Cornwallis in his campaigns. After the Sullivan expedition, no large movements were attempted here. Stony Point, a projection into the Hudson below the Highlands, was the scene of a gallant but unfruitful exploit. It had been taken by the British general Clinton, May 30, 1779, from a garrison which surrendered somewhat ingloriously; but "Mad" Anthony Wayne recovered it, July 16, from the British, by an attack with the bayonet alone. With a loss of only fifteen killed, he captured the works, killing sixty-three and taking five hundred and forty-three prisoners; but men could not be spared to hold the position, and the fort was destroyed. This was one of the most brilliant operations of the war, and was the only one of any magnitude in New York at this period. Brant swept into the Mohawk Valley at intervals in 1781. Another company of red men and tories was met in fight by the troops under Colonel Willett at Darlagh, in Schoharie county. In October, Major Ross and Walter Butler, with a mixed force of one thousand men, struck Johnstown, where a brisk battle was fought by Colonel Willett with a small army. The British fought and retired, and Willett pursued them as far as Fort Dayton. The dead body of Walter Butler, who had so long harassed Tryon and Schoharie counties, was found on the field.

Two of the personal tragedies which add romance to war happened on the soil of New York. During the dark days of 1776, when Washington was in stress to learn the movements of the victorious British army, Nathan Hale, a young captain in a Massachusetts regiment, and a recent graduate of Yale College, volunteered to undertake a secret mission to Long Island, and on his return was captured. He was taken to the headquarters of General Howe, and after trial sentenced to be hanged as a spy at daybreak the next morning. The provost marshal, Cunningham, executed the sentence with cruel indignities, while Hale died regretting that he had "but one life to lose for his country." The second tragedy was connected with the treason of Benedict Arnold, who had fought bravely in New York and in the expedition against Canada, and was in 1780 in command of West Point. Major André was sent by Sir Henry Clinton to communicate with the traitor, but on his return he fell into the hands of American partisans. He was convicted as a spy and sentenced to death. Hale's mission was a soldier's search for information; André's was an act of aid for damnable treason, looking to the base sale of an important military station. If a hero is to be chosen, the former, and not the latter, deserves the distinction.

The close of the war in New York was stained by acts of partisan barbarity on the part of the tories. April 16, 1782, three Americans were publicly executed by order of Colonel James DeLancey, in retaliation, as he claimed, for the murder of refugees. In the same month Joshua

Huddy, a prisoner of war, was taken under pretense of exchange, and hanged by a party of loyalists, because a tory prisoner had been shot while trying to escape. If New York was not tender of loyalists when peace came, it was because its people were human.

All the influence of Washington was required in March, 1783, at the headquarters of the army, Newburg on the Hudson, to check a movement which involved many of the officers. Captain Armstrong, an aide-de-camp of General Gates, put forth an anonymous address approving a call for a meeting with reference to the pay of the officers, and appealing to their passions. At the meeting, the commander-in-chief advised reliance on the justice of congress, and resolutions reported by General Knox were passed denouncing "with abhorrence and disdain" the "infamous proposals" which had been circulated. The attempt to use the army for mischief was rebuked. Gouverneur Morris has been sharply criticised on the theory that he advised the movement in order to force a stronger government, and he certainly wrote to Jay in the preceding January: "The army have swords in their hands. Good will arise from the situation to which we are hastening. Much of convulsion will probably ensue, yet it must terminate in giving to government that power without which government is but a name."

To the consolidation of the Union New York rendered a service not easily to be overrated, in its generosity relative to lands in the Northwest. No State had better title to more vast domains, for it claimed from surrender by the British, from royal grant, and from purchase from the Iroquois. These claims extended to the peninsula of Michigan, and to the mouth of the Ohio. Other States hesitated to yield their public lands to the nation. New York, by formal act of its legislature, April 19, 1780, was first to transfer its vast domain, and to set the example which sister States slowly followed. The claims of this State had not been fully recognized to these western lands, but a committee appointed by congress reported in its favor on all points; and October 31, 1782, the transfer was formally accepted, with Virginia and Massachusetts alone voting against it, and the Carolinas divided. The States in the negative opposed the acceptance of the gift, because they were unwilling to follow the generous example which finally compelled similar cessions on their part.

When, in 1779, Spain presented claims which threatened to complicate negotiations for peace, Gouverneur Morris was made chairman of a committee in congress to consider the subject. Sustained by Jay and the unanimous delegation from New York, he moved that, in view of "the exhausted situation of the United States, the derangement of their finances, and the defect of their resources," independence only should be insisted upon; but New England was able to gather strength enough to induce congress to declare that "by no treaty of peace should the common right of fishing be given up." This attitude of New York caused the defeat of Jay, and the selection of John Adams as minister to treat with Britain for peace, while Jay was assigned to the less important rank of minister to Spain. When, however, actual negotiations were entered upon in Paris, Jay was present, and distinguished himself for the zeal with which he insisted upon direct and positive, and not implied, recognition of American independence. At Franklin's request, he drew up the articles of peace. When Adams joined in the final negotiations, Jay was not the least of the statesmen whose names were subscribed to the definite treaty of peace.

The war was far from ended when Alexander Hamilton, from the tent where he was serving on the staff of Washington, began his labors for a more perfect union, and a constitution befitting a great nation. September 3, 1780, he addressed to James Duane, a representative in congress from New York, an appeal foreshadowing the arguments which finally secured the adoption of the federal constitution, and a government whose strength a century has tested. In July and August, 1781, he published a series of papers, under the name of the "Continentalist," to advocate the same views. Hamilton had married a daughter of General Philip Schuyler, and thus at once connected himself with the society of New York, and with allies who were to be of great use to him in his political career. When Cornwallis surrendered at Yorktown, Hamilton became a law student in Albany, and was appointed a receiver of taxes, the beginning of his connection with the national treasury. His mind, however, was upon the construction of a federal constitution.

In 1780, Governor Clinton had presented to the legislature the "defect of power" in the confederation, and John Sloss Hobart and Egbert Benson were sent to a convention in Hartford to confer on the subject. They were the leaders in that body in urging the recommendations which were adopted for empowering congress to apportion taxes on the States in the ratio of their total population. The matter had thus entered into discussion, and the senators and assemblymen were therefore in a receptive mood when Hamilton visited them in Poughkeepsie in July, 1782, and they unanimously adopted resolutions written by him, and moved in the senate by his father-in-law, General Schuyler, declaring that the powers of the central government should be extended, and that it should be authorized to provide revenue for itself, and to that end "it would be advisable to propose to congress to recommend, and to each State to adopt, the measure of assembling a general convention of the States, specially authorized to revise and amend the constitution." Naturally, the author of the resolutions was chosen a member of the continental congress. He sought to impress this project on that body, and was so grievously disappointed at his failure that, with "ill-bodings for his country," he abandoned the attempt, and turned to devote himself to his profession. He resumed his task in a different field.

To Washington's farewell letter, appealing for increased powers to the central government, Governor Clinton sent a cordial response sustaining its views; and to the legislature, in transmitting the letter, he advised attention "to every measure which has a tendency to cement the Union, and to give to the national councils that energy which may be necessary for the general welfare." But the recommendation for a constitutional convention remained unfruitful for years; and March 3, 1786, congress ventured to call only a convention to consider the trade and commerce of the United States, and to suggest measures for the action of congress. Hamilton and Benson attended the convention in Annapolis in September, and urged the policy originally recommended by New York; but when they asked the legislature to approve of those recommendations, it declined, by the influence of Governor Clinton, to give approval. In 1787, however, the legislature adopted a joint resolution instructing the members of congress from the State to move that a convention be held to amend the articles of confederation; and, when the call was issued, Robert Yates, John Lansing, Jr., and Alexander Hamilton were appointed delegates "for the sole purpose of revising the articles of confederation, and reporting to congress and the several legislatures such alterations as shall, when agreed to by congress and confirmed by the several States, render the federal constitution adequate to the exigencies of government and the preservation of the Union."

These reservations were due in large part to the growth of the commerce of New York. It maintained its court of admiralty, with jurisdiction over maritime cases; it exercised, as of old, its sovereign relations towards the red men, and in 1783 it claimed for itself the collection of duties on imports in its ports, which had two years before been conceded to congress. In 1786 the legislature formally insisted on retaining the sole right of collection; while Governor Clinton, when appealed to by congress to call a special session to yield that right, refused to do so.

In the federal convention, Hamilton took a foremost part in the deliberations, and became the champion of the plan adopted. Yates and Lansing were strenuous opponents of equality of the votes of States in the senate; and when that provision was adopted, they retired, on the plea that the convention was exceeding its powers. On these lines parties were to divide in New York. Governor Clinton transmitted the new constitution to the legislature without a word of remark; and although Hamilton and Jay were affecting the public mind through the "Federalist," ratification by this State was doubtful until the convention took the actual vote upon it.

That convention met in Poughkeepsie, June 17, 1788, with Governor Clinton as its president. Hamilton and Jay, Chief Justice Richard Morris, John Sloss Hobart, Chancellor R. R. Livingston, and James Duane, then mayor of New York, were the champions of the constitution. Governor Clinton, Yates, Lansing, Samuel Jones, and Melancthon Smith led the debate against it. The arguments of the majority have been embodied in the history of the nation. Governor Clinton himself was in favor of a federal government, while he charged that Hamilton wished for a consolidated government. The opposition dreaded the power of the central authority; proposed that no person should be eligible as senator more than six years in twelve, and asked for a more numerous representation in the popular branch. After proposing a conditional adoption in case amendments suggested should not be embodied, the opposition yielded, but only after a sufficient number of other States had approved the document. When the vote was taken, Governor Clinton, as president, was not recorded; but Jones and Smith joined to make the majority of thirty against twenty-seven in the minority. Except Yates and Lansing, who became successively chief justices, the minority contains hardly a name afterwards eminent, while the majority is resplendent in the persons who compose it.

The amendments suggested by New York became embodied in the national constitution, and have been accepted as proper safeguards to the liberties of the people.

IV. A STATE IN THE UNION.

CHAPTER XXVI.

THE FIRST TASKS OF PEACE.

1783–1795.

WHILE New York was the only State which had met in full every requisition upon it for the preservation of the Union, not one of the other States had felt in any such degree as she suffered the burdens of hostilities from the British troops, from tory marauders, and from their red allies. Nowhere, therefore, was the treaty of peace more welcome. The British armies were gathered into its chief city, and upon Long Island and Staten Island, for embarkation for their homes; and November 25, 1783, the day when they evacuated the city, is deservedly commemorated. The streets changed their aspect at once. Americans sought their homes. The vocations of peace began, and the impetus was started which has brought its marvelous growth to the metropolis. When the stars and stripes were carried up the flagstaff by a youth, who thus offset the spite of the retiring British in cutting the halliards, a new life began. Washington and his troops were welcomed for their services and hardships and the victories they had won, and, not least, because they were to cease to be soldiers and to become citizens; and the farewell of the commander-in-chief, December 4, to his companions in arms, was a touching sign that peace was not only assured, but was to be enduring.

The population of the city was not large enough to divert attention from these events, so important to the whole country, so doubly impressive on the soil where for seven years hostile armies had been dominant. In New York city, the inhabitants in this year numbered 23,614, and on Long Island 30,863, while in the entire State they were 233,896. The patriots who had been banished by the British possession were glad to return to their homes, and many of the loyalists sought to enter again in the interior upon the estates which they had abandoned. A strong policy of confiscation had been enforced against the latter during the war, but it was checked by the terms of the treaty of peace; and, in the territory which had been held by the British, the returning patriots, after recovering their lands and houses, were unable to get pay for their use. In the Mohawk

Valley, it was estimated that one-third of the population at the beginning of the war had lost their lives in the struggle, while one-third had gone or been driven away, so that only one-third remained when peace was declared. The losses may be exaggerated, but the figures were taken to justify the action of a meeting held in Fort Plain, May 9, 1783, which represented the prevailing feeling throughout the State. The resolutions formally declared that the persons who went away or were banished because of their tory sympathies "shall not live in this district on any pretense whatever." Other rural districts took similar action; and, March 25, 1784, the Sons of Liberty called a meeting in "the Fields" in New York, and advised all tories to leave town before the first of May, insisting that they should not be permitted to remain in the State. In that year the legislature passed an act disfranchising all who had adhered to the British government during the war; it was repealed in 1787, largely through the influence of Hamilton and Schuyler.

Thus many of the tories were able to stay where the British had protected them, and gradually some penetrated into the interior. Soldiers from the British army, and especially from its German allies, in numbers not inconsiderable, remained as settlers in the country which they failed to conquer. The soldiers of the State in the continental army, by taking up their land bounties, pushed out the lines of settlement. Baron Steuben, who had served with distinction as inspector of the army, received a quarter township as a grant from the legislature, and it was located in the tract purchased from the Oneidas. He illustrated the career of many privates by making his home on the hills north of the upper Mohawk, where a town bears his name and a monument preserves his well-earned fame. Other settlers followed such lead, and some purchasers of large tracts began to adopt the plan of selling farms to hardy pioneers who would break roads, and, by starting homesteads, add value to the adjacent wilderness, although the rule was only to grant leases.

The commonwealth treated its vast domain with reckless prodigality. In 1791, a law was passed, with a view to draw in settlers, authorizing the commissioners of the land office to sell any of the public lands at their discretion. These commissioners were Governor Clinton, Lewis A. Scott, Aaron Burr, Girard Bancker, and Peter T. Curtenius, and they sold 5,542,173 acres of land for $1,030,433 ; and of this vast domain Alexander McComb secured 3,635,200 acres, for much of which only eight pence an acre was paid. The governor was charged with an interest in some of these purchases, but McComb made an affidavit that that officer had no pecuniary share in them. A legislative investigation was ordered, on motion of Mr. Talbot, of Montgomery county, who knew the value of the lands; but Melancthon Smith led the movement approving the conduct of the commissioners, and was sustained by a vote of thirty-five to twenty. While it may be true that no higher price could then be obtained, the folly must be admitted of forcing so many acres upon the market at once, and of throwing into the hands of speculators a territory which, if offered to actual settlers only at a nominal price, would have enriched the commonwealth, while adding the best elements to its vitality and productive energy.

New York was at this time fifth of the States in population. Virginia had more than double its number of inhabitants; Pennsylvania had nearly one-fourth more; North Carolina exceeded it by the total census of New York city and Long Island; Massachusetts surpassed it in nearly equal degree. When the war closed, Maryland was its peer in population; and Connecticut, and even Tennessee, followed it very closely. Its share in the inception, the organization, and the prosecution of the war for independence, and its services in framing the constitution and in its ratification, must be judged by these figures. Critics have paid the State the compliment of comparing its record with that of Virginia on the one hand, and of New England as a whole on the other. History justifies the comparison, and must render its verdict, with due regard to the population engaged, and to the difficulties of situation and of military pressure.

These difficulties can best be measured by the effect of their removal. New York grew in population, in seven years preceding 1790, by nearly one-half, mounting up to 340,120, reached 589,051 in 1800, and in 1810 with 959,049 attained the second rank, very nearly equaling Virginia, and surpassed it by one-third in 1820.

The centre and the west of the State, which had been the scene of contest, became in this interval the chosen field of immigration. Tryon county, named Montgomery in 1784, had furnished territory for more than a score of counties, and, while New York had risen to the lead in population, Albany stood in 1820 thirteenth in rank; while Ontario, Genesee, and Oneida were respectively second, third, and fourth in number of inhabitants. The incoming multitudes, as early as 1796, made necessary the opening of a State road from Whitestown to Geneva, from the Mohawk to the interior lakes;

and in 1798 roads were cut from Genesee to Buffalo and Lewiston, while the water routes from the south as well as from the east were very much used. Before the eighteenth century closed, a regular postrider connected Albany and the Genesee Valley by trips every fortnight, a grand road was opened from the capital to Clinton county, and a regular line of stages beside the Hudson prophesied the swifter travel of later days.

But, if in the Revolution the population of the State was so inferior, discipline and trial had given it character. If New England was Puritan and Virginia Cavalier, and both positively English, New York was the first to become distinctively American. In spite of its strong loyal element, its separation from the crown severed fewer ties of blood and nature, because of the diverse races which mingled on its soil. The original Dutch current has run by intermarriage into the veins of many families whose names bear no testimony of it. Other races also have joined hands. In the framing of the nation, many streams of race mingled. To the Declaration of Independence, Philip Livingston subscribed with the vigor of Scotch blood; Francis Lewis, with the ardor of a Welshman; William Floyd and Lewis Morris, with the prudence of mingled Welsh and English descent.

Philip Schuyler, the major general, was of pure Dutch blood. Nicholas Herkimer, the hero of Oriskany, was the son of a German from the Palatinate. Alexander Hamilton, born in the West Indies, was Scotch and Huguenot in origin; and John Jay, the first chief justice of the United States, was of clear Huguenot strain. George Clinton, the first governor of the State, was the son of an Irish immigrant, as was General Montgomery, who fell at Quebec. Englishmen there were who then and afterwards added lustre to the service of the commonwealth; but it is the distinction of New York that its early history was molded in the furnace, and from the varied elements, which have given to the nation its character and its name as American.

In the first decade after the treaty of peace, the features which have marked the State may be traced in their early development or in their origin. It began at once to struggle for a foothold on the ocean in commerce, as it reached out for domestic trade. The exports, which were nothing during the war, became $2,505,465 in value in 1791, and $14,045,079 in 1800. This value rose to $17,242,330 in 1820, of which $10,000,000 worth was composed of the products of the soil. Agriculture received an immediate and rapid extension; and, in wheat and other grains, the quality and quantity of the crops of the State were for the time what those of the far Northwest have been in later years, and the primacy was won in value of products, which the census of 1880 still accords to New York.

Manufactures, repressed in their beginning by British legislation, having escaped from that restriction, put to use the natural resources, the water-power, the climatic advantages, which have made the State master in diversity, volume, and wealth in this department. Iron was worked from the ore, and by bloomeries and trip-hammers and rolling mills, and for machinery and domestic and mechanical uses. Woolen and linen, cotton, and some silk cloth were weaved. Leather was tanned, paper and glass made; while clocks, copper, brass and tin wares, hats, oils, beer, spirits, and other diversified industries, employed capital and labor. The value of specified manufactures in 1811 is stated at $30,000,000, and of this sum household labor is credited with $12,000,000. Such production and such traffic required all the facilities of the waterways which nature had surveyed, which had afforded paths for war, and which enterprise now sought to improve and connect, and to supplement by highways and bridges.

The Dutch had laid the foundation of

schools, and the English colony had established a college. In 1784 a board of regents of the university was established to extend and elevate Columbia College, but it soon was broadened for the oversight of all academies and colleges, and, with a gift of public lands, entered on the tasks still committed to it, with projects higher than have been yet attained. Union College was the first institution of that rank to receive a charter from the board, in 1795, although in 1793 Samuel Kirkland, with the encouragement of Alexander Hamilton, had founded Hamilton Oneida Academy, "for the mutual benefit of the young and flourishing settlements and the various tribes of confederate Indians," and time has ripened the seed he planted into Hamilton College. In 1795 also, on the recommendation of Governor Clinton, an appropriation of $50,000 was made by the legislature, of which the interest was to be applied in the ratio of population, with like sums raised by local tax, to the payment of wages of teachers in common schools. In 1800 a lottery was authorized to raise $100,000 for colleges and schools. On such foundations grew the school system for which now nearly $14,000,000 is annually expended from taxation alone.

By the settlement of a long-standing controversy between the two States, Massachusetts, in 1786, received the preëmption right to 230,000 acres between the Oswego and Chenango, and to 6,000,000 acres near Seneca Lake and in the Genesee Valley and west of it. These lands passed into the hands of Oliver Phelps, who held also a treaty with the Senecas, and he, with his associates, opened the vast tracts to settlers. Failing in his speculation, he lost his title, which passed, through Robert Morris, the financier of the Revolution, to Dutch capitalists, who organized the Holland Land Company, which divided its estates into small farms, and sold them to actual settlers on long credit. The speculation of Phelps brought in many immigrants from New England, particularly into the Genesee Valley and westward. From Connecticut came also into the upper part of the Mohawk many families planting homes. Samuel Kirkland, who began his labors among the Iroquois in 1764, chose finally the Oneidas as the field of his mission, and, receiving a patent for land in 1789, built a house as its centre in the town which bears his name. This New England movement included frequently a missionary element. The settlers planted homes for themselves, and they carried schools and churches into every neighborhood, which they intended should be for a blessing to red men as well as whites. Religious activity was indeed general among the several denominations, and organizations were established, church edifices erected, and work planned for extending their borders. In jurisprudence, the constitutions one after another, and the statutes, as they came to be passed, attracted the newer States to look to New York for their models. In the law, distinguished ability and wide acquirements were manifest, as the names prominent in political positions give assurance; and in the medical profession science was asserting itself more and more.

The fur trade had been the source of wealth to Albany, and afterwards to Oswego in smaller measure. The war and the alienation of the Iroquois put an end to it. In violation of the treaty of peace, the British for a while held possession of Oswegatchie, Oswego and Niagara, and thus forced whatever traffic remained in furs to Buffalo as its centre; and in 1811 a single cargo received there by lake was valued at $150,000. The peltries were gathered in the West, and shipped in bulk, and Buffalo therefore lacked the picturesque features of the original trade, when Indians in vast numbers brought their trophies to the market on the Hudson. The change was great to Albany. The effect upon the State was to direct enterprise to the clearing of the forests, to agriculture, to the beginnings of manufactures, and to general traffic. Albany became thus the centre of a trade in grain, and of supplies for the settlers. It was in 1786 the sixth city in the Union in population, with 3,050 inhabitants, and in wealth and culture and hospitality it held at least equal rank. Its growth gave it, in 1810, 10,762 inhabitants.

But New York was easily at the head after peace wrought its effects. The legislature, which since the State was organized had been meeting at Kingston and Poughkeepsie, and once in Albany in 1784 and thereafter until 1788, held its sessions in New York, then, after two sessions in Poughkeepsie, chose its home definitely in Albany. Congress also, December 23, 1784, removed its meetings to New York. The City Hall on Wall Street was, by private subscriptions amounting to $32,500, remodeled for its occupancy, and was renamed Federal Hall. The coming of the representatives of the nation was very welcome after the British possession. The first session under the constitution was fixed for March 4, 1789; but, owing to bad roads, to delays in the elections, and in some degree to a lack of attention to public affairs, a quorum did not appear in the house of representatives until March 30, nor in the senate until April 6. Then Washington was declared unanimously chosen President of the Republic, and here he was welcomed by Governor Clinton when he came to enter upon his high office. Very brilliant was the scene when, under the bright sun of April 30, the first President took the oath of office, on the balcony of Federal Hall; and at night illuminations and fireworks testified to the popular joy.

New York continued to be the seat of the federal government until December, 1790. Government and city impressed each other, and the social festivities were doubtless more numerous and on a larger scale than they were for a long period after the capital was located on the Potomac. European styles and manners were introduced, not only by immigrants and merchants, but by John Adams especially, and in less degree by Jay and others who were sent to represent the young republic abroad, and brought home some of the display of foreign courts and society. The growing town was, in its inhabitants and in its spirit, cosmopolitan. Looked upon somewhat askance by Puritan New England, it yet "showed much greater attention to good morals than has been supposed," as a worthy Connecticut matron testified. Theatrical representations, which had been discontinued throughout the country during the war on the recommendation of the continental congress, were resumed in New York; while not only New England, but Pennsylvania and South Carolina as well, interdicted them. In 1786 the first American play ever produced was enacted here; it was a comedy entitled "The Contrast," by Royal Tyler, afterward chief justice of Vermont, and its story turned on American captives in Algeria, and first introduced "Yankee" speech and manners on the stage. The erection in 1795 of the edifice for the New York Society library testified to the public spirit and love for learning which the people were fostering. The signs of intellectual activity were many and varied. Lectures were fashionable, and scientific themes were in especial favor. Art was the gratification of the few, who were to wait some years to organize associations to promote it.

The newspapers were not yet numerous, and each on that account wielded a distinct power. They were generally, in city and country, partisan organs, and indulged in personal attacks and virulence of language, due to outside contributors, who, however, could not shirk responsibility. The leaders of parties used this medium for reaching the people. Sometimes the newspaper office was assailed by a mob, as when the office of Greenleaf's "Patriotic Register" was destroyed by a federal mob, July, 1788, for satirizing too freely the celebration of the ratification of the constitution. Quite as frequently the authors whose personality was discovered were held to account. A sad incident of this kind in 1798 exhibits the aggravation of the writers, and the passions of the subjects of their assaults. Brockholst Livingston, in ridiculing the organizers of a federal meeting, exasperated Mr. Jones, who was one of them, to such rage that he assailed the writer with a cane, and a duel followed, in which Jones became a victim to this style of partisan warfare.

In New York city, in 1795, the federalists had two papers, — the "Advertiser," of which Noah Webster, afterwards famous as a lexicographer, was editor, and the "Packet" of Samuel Loudon. Greenfield's "Journal" stood for the republicans. The "Price Current" represented the commercial interests. Albany in that year maintained three newspapers. Orange and Ulster had each two. In Columbia, Dutchess, Suffolk, and Rensselaer, respectively, one served the wants of the inhabitants. They were generally political journals, even when the title suggested devotion to the interests of the farmers. West of Albany only two newspapers were printed at this period, the "Herald" at Otsego, and the "Gazette" at Whitestown; but, with the increase of population, papers soon began to multiply.

Growth and enterprise, and manifest improvement in intellectual and moral, as well as material, respects, in this period, were marked in city and country. The settlements begun, the capital invested, the industries established, the projects proposed, in the closing years of the eighteenth century, gave assurance that New York was to make good use of its natural advantages, and to move on towards imperial greatness.

CHAPTER XXVII.

PARTIES, THEIR LEADERS AND THEIR DIVISIONS.

1789–1801.

In New York, parties were arrayed on national lines as soon as the constitution was adopted, and the strife ran so high that the vote of the State was not cast at the first election for president; nor did its senators appear in their seats until the first session of the federal congress was well advanced. In the legislature of 1788, Governor Clinton and his friends held a majority in the assembly, while the federalists, with Hamilton for their leader, controlled the senate. The former claimed that United States senators and presidential electors should be chosen by joint ballot of the two houses, as is the practice now; while the upper house insisted that a concurrent vote of the bodies acting separately was required for an election. They came to no agreement until July 1, 1789, and thus the commonwealth had no share in the election of Washington for his first term, nor in senatorial action on his cabinet nominations. The congressional districts chose as their first representatives Egbert Benson, admirable in many qualities; William Floyd, one of the signers of the Declaration of Independence; John Hathorn and Jeremiah van Rensselaer, of the family of the patroons; and Peter Sylvester.

The first test of parties before the people occurred in April, 1789, in the election for governor. Governor Clinton was a candidate to succeed himself, while the federalists nominated Robert Yates, at the time chief justice, and the same who had withdrawn from the constitutional convention on account of his hostility to its action. Mr. Jay had declined to enter the contest, and devoted himself to national affairs. At the meeting in New York which presented the nomination, Hamilton was a leading spirit, and with Aaron Burr was designated a member of a committee to promote the election of Yates. Burr, after his graduation from the College of New Jersey, entered the army and served with moderate distinction, and became a student of law in Albany. Going thence to New York, he was chosen to the assembly in 1784, and in his second session was active in debate and legislation on important measures. He had not been an ardent friend of the national constitution, although his first active part in politics was with its friends. The natural candidate against Clinton in this canvass would have been Schuyler, the father-in-law of Hamilton, but he was reserving himself for the senate; while it may have been assumed that Yates would avoid the rivalries between, and the prejudices against "the great families." He had rendered himself acceptable to the federalists by declaring, in a charge to a grand jury, that it was "every man's duty to support" the constitution, since it had been ratified. Governor Clinton was reëlected by a majority of four hundred and twenty-nine, which was secured for him by an unexpectedly large vote in his home county of Ulster. The legislature chosen at the same time was federal in both branches; it was summoned in extra session, when it chose State officers, and in July, by joint resolution, elected Philip Schuyler and Rufus King senators in congress. The former was, in military and civil life, one of the foremost citizens of the State, and he was at this time a State senator, and a member of the council of appointment. The choice of King was a remarkable honor to award, in a State so rich in able men, to a recent immigrant from Massachusetts, as he was. Graduated at Harvard College, and serving in the legislature of his State, he was sent in

1784 to the continental congress, where he moved that slavery should not be suffered to exist in the northwest territory. He was a member of the convention which adopted the national constitution, and in 1788 he took up his home in New York, where he had married a daughter of John Alsop, himself prominent in the events which led to independence. Mr. King became eminent in the senate, and was for a generation a prominent figure in national affairs. General Schuyler, in drawing lots, obtained the short term of two years, and at its close was beaten for reëlection by Aaron Burr, who had already become attorney general. Burr was known to be opposed to some of the plans of Hamilton, now greatly discussed, and was developing the remarkable qualities of intrigue and popularity which marked his later career. Although he opposed Clinton for governor, he now secured the support of that gentleman's friends in the legislature, with enough federalists to secure a majority, and so won a place on the stage of national politics.

At the election of April, 1792, Governor Clinton and John Jay were the opposing candidates; and the returns as canvassed gave the former 8,440 votes to 8,332 for the latter, while the ballots cast in the counties of Clinton, Otsego, and Tioga were not counted for either.

These counties cast a majority of about four hundred in favor of Jay. The canvassers ruled out the returns on the ground of irregularities. The controversy was referred to the senators from the State in congress, whereupon Senator King decided that the ballots cast should be counted, although the law had not been technically observed in the returns; while Senator Burr justified the course of the canvassers on the plea that the irregularities were fatal. Clinton was inaugurated amidst a storm of obloquy and denunciation as a "usurper," and, as a public meeting in New York declared, "in contempt of the sacred voice of the people, in defiance of the constitution, and in violation of the uniform practice and settled principles of law." By the clear intent of the election, the popular majority was cast for Jay; and the technical irregularities neither obscured that fact, nor afforded reasonable suspicion that the figures had been tampered with. By precedents since established, if the like case were now to arise, a decision in behalf of Clinton could not be rendered, and certainly would not be sustained. Mr. Jay, however, promptly and decidedly checked the protests of his zealous friends, and urged submission to the constituted authorities, and in a response to the New York meeting, appealed to "that natural good-humor which harmonizes society, and softens the asperities incidental to human affairs." Governor Clinton bore himself calmly under the excitement of the people, and was sustained by the party of which he was at this moment the unchallenged leader.

Certainly, when, in November, the legislature was called to choose presidential electors, his friends received a majority in each house on the first ballot. In the electoral college, while Washington was elected president unanimously, George Clinton received fifty votes, and Aaron Burr one vote for vice-president; Thomas Jefferson four votes; and the successful candidate, John Adams, seventy-seven votes. Clinton's support was that of all the electors from New York, Virginia, North Carolina, and Georgia.

A change in the political tendencies of the State began at this time. The aggravating conduct of Genet, the minister from France, and the growing disapproval of the management of affairs in that country, weakened the republicans, who in general sympathized with it; while the administration of Washington, triumphing over the difficulties of starting the new government, commanded increased confidence, and gave strength to the party of which leading members of his cabinet were the chiefs. In

New York, the dispute over the election for governor, and sharp controversies in the council of appointment over offices, gave advantages to the federalists, and led Mr. Clinton to decline to be a candidate for reëlection. Both Hamilton and Burr were considered for the position by the opposing parties; but John Jay was selected as their candidate by the federalists, although he was absent in England, engaged in negotiating the treaty, which it was foreseen would be the subject of severe criticism; and Robert Yates, then chief justice, was taken up by the party which he had opposed, as candidate for the same office, only six years before. The federalists had been masters in the legislature since 1793, and Mr. Jay's election in 1795 was no surprise.

The election occurred in April, and the newly chosen governor arrived home from England with his treaty May 28, and became at once the object of virulent assault, which, however, soon spent its force. For the moment, it threatened to carry all before it. His brother-in-law, Brockholst Livingston, joined Aaron Burr, in opposition to the treaty, at a public meeting in Wall Street, New York, where Alexander Hamilton was its champion, and the contest degenerated into a mob. Hamilton, seeking to speak, was personally maltreated. The opponents of the treaty withdrew to the Bowling Green, to burn the offensive paper, and to exhibit their sympathy with France. The chamber of commerce more formally declared its support of the measure, and after it was ratified by the senate, popular passion lost its virulence.

This was the first open diversion of the Livingston family from the federal party, against which, with individual exceptions, it thereafter acted. The chancellor had not approved of Hamilton's financial recommendations, and certainly had not received the consideration to which his abilities and following entitled him. He was credited with an ambition for the position of chief justice of the United States, and he was worthy of the position. Probably mingled influences contributed to the turning of this one of the "great families" from the party in power to the opposition.

When Governor Jay met the legislature, in 1796, he was welcomed with profuse expressions of esteem and confidence, and the election in the ensuing April showed his party still in the ascendant. The legislature chose federal presidential electors, who in the college cast their votes for John Adams for president, and Thomas Pinckney for vice-president. Yet in that body Aaron Burr received thirty votes, and George Clinton four votes. The federalists were able also, in place of Rufus King, who was sent as minister to Great Britain, to elect John Lawrence as senator in congress. He was an Englishman by birth, a lawyer by vocation, and had served in the Revolutionary war, when he conducted the court martial in the case of Major André. He had served in the State senate, and was for three terms a representative in congress, and, when chosen senator, was judge of the United States district court for New York. When the term of Aaron Burr expired, in 1797, the friends of General Schuyler, who had been supplanted, determined to return the latter to the senate, and he was chosen by a strong majority. He did not care to serve, however, and the next year his seat was filled by John Sloss Hobart, who resigned very soon to become United States district judge; and then, by appointment of the governor, William North became senator, who had been speaker of the assembly, and for whom the legislature substituted James Watson, also an ex-speaker; so that four senators followed Burr within a year and seven months. In 1800, Gouverneur Morris was chosen to the position, and in the same year John Armstrong, afterward secretary of war, succeeded Lawrence.

Of the representatives in congress from the State, Egbert Benson is first named in the original lists as member from the first district. He belongs at the head also as a scholar and student of political philosophy. He had served in the continental congress, and under the constitution represented his district for two terms. He became attorney-general of the State, and justice of the supreme court, and was called again to congress in 1813. Theodorus Bailey, as well as John Lawrence, earned a reputation which led to his transfer to the senate. Others, like William Floyd, Philip van Cortlandt, and Edward Livingston, were eminent at home and in national affairs, while several of their colleagues in these years exerted their full share of influence in committee and in debate.

The relations of the United States with France were nowhere more discussed, and nowhere gave rise to more intense controversy, than in New York. French vessels came into port, and their officers were received with excess of courtesy by the anti-federalists. Taunted to imprudence, Captain Courtney, of the British ship Boston, challenged the French frigate L'Ambuscade to single combat; and the popular sympathy went out upon the waters, where the French won a victory and the British captain was killed. Genet, the French minister, was the hero of the hour in social circles, and with republican politicians. The insolence of the government in Paris aroused hostility even among those whose sympathies were naturally with it; while the federalists, who always preferred the British side of questions, found complete justification for their criticisms against "the Gallican party." War seemed imminent, because our country could not put up with the positions assumed by France; and preparations for the defense of our ports, and for the reorganization of the army, were promoted by the wisest of our statesmen. New York was prompt in the provisions which her position demanded at her hands. In 1798 her legislature appropriated $1,200,000 for the defense of the harbor, to be paid out of the balance found to be due in adjustment of the accounts of the Revolution. In the designation of major generals, Washington, who had been placed in chief command, nominated Hamilton, three years since retired from the treasury, as the first on the list. President Adams tried to give the precedence to General Knox, contrary to the understanding with Washington, and only upon the positive demand of the general-in-chief did he assent that Hamilton should stand first in rank. Hamilton devoted himself with energy to the tasks which the position imposed upon him, and for which he was preëminently fitted, and he gave direction to the fortifications of New

York harbor. The hostility of Adams, and his injustice in this case, were the immediate occasion for Hamilton's hostility to him in the ensuing canvass for the presidency, and introduced, or at least aggravated and perpetuated, disastrous feuds in the federal party, not only in New York, but in the nation.

When the candidacy of Robert R. Livingston, the chancellor, against Jay for governor, in 1798, resulted in a majority for the latter of nearly one-twelfth of the total vote cast, the result was accepted quite as much as a personal as a political triumph; for the choice of members of the legislature showed considerable gains, although not a majority for the anti-federalists. Aaron Burr returned in 1798 from the United States senate to the assembly of New York; and DeWitt Clinton appeared in that body twelve years after graduation from Columbia College. He had served as private secretary to his uncle, Governor Clinton, whose views he shared, without sympathy with the feverish admiration for France which carried away some anti-federalists. His scholarship, his social graces, his power as an orator, his zeal for public improvements, and his high personal character, gave and held in public affairs a position which was, in the first quarter of the new century, not second to that of any other citizen of the commonwealth.

The position of the legislature was tested upon the resolutions drawn by Mr. Madison, and adopted by Kentucky and Virginia, which denounced as unconstitutional the alien and sedition laws, and were aimed at the administration of President Adams. Upon a motion discharging the committee of the whole, because the right of deciding upon the constitutionality of laws belongs to the courts, the assembly dismissed the matter, and the senate followed its example. But the attempt to enforce those laws by arresting Judge Peck of Otsego, a member of assembly, for circulating a petition for their repeal, stirred up popular hostility, and assisted in the impending change of parties.

Aaron Burr was defeated for the assembly in 1799, largely on account of the scandal connected with getting a charter for the Manhattan Company, ostensibly to furnish New York city with pure water, but really for banking purposes, which were hidden in the act. The federalists controlled the banks of the city, — the Bank of New York, chartered in 1791 through the influence of Hamilton, and the branch of the United States Bank. Burr sought to break the power wielded through these institutions, and, as he knew the federal majority in the legislature would obstruct his scheme, he carried out his plan by this stratagem. While it cost him defeat at one election, it did not repress his vaulting ambition.

The year 1800 was full of excitement throughout the country, and in largest measure in New York. Hamilton was, while standing at the summit of the bar in a very lucrative practice, the active and recognized leader of the federalists. Aaron Burr, his superior in the arts of politics, as he was inferior in the higher qualities of the statesman, was the real leader of the opposition, moulding to his own designs its elements, not always voluntarily obedient. On these two men hung the election of the next president and the decision of national policy; for New York then, as so often since, was looked upon as holding the balance of power; and the legislature, which was to choose the electors, would depend, for its majority for one party or the other, on the members of assembly from New York city. Burr succeeded in inducing ex-Governor Clinton, Brockholst Livingston, and General Horatio Gates, who superseded General Schuyler at Saratoga, to head the ticket, which was advocated in the name of Jefferson for president, and Burr for vice-president, and against John Adams. The canvass was conducted with great vigor, and Hamilton and Burr appeared on the same platform in discussion. The combination effected by Burr was successful, and insured a unanimous delegation from New York in the assembly. Hamilton appealed to Jay to call the legislature in extra session, to provide for the choice of electors by districts, and thus secure for the federalists a share of the number before the new legislature could be organized. The governor refused, and republican electors were chosen on joint ballot by a majority of twenty-two.

New York became at once, in the election of president, a factor more significant than was expected. Under the provisions then existing, the candidate receiving the highest vote in the electoral college was to be president, and the next in order vice-president; but Jefferson and Burr received each seventy-three votes, and no choice was effected. The house of representatives was, under the constitution, to decide the tie. Burr remained in Albany during the contest, willing to accept the office for which he was not nominated, and over the head of the person clearly designated by the popular and electoral votes. His confidential friend, Van Ness, in constant intercourse with him, wrote that "it was the sense of the republicans in this State that, after some trials in the house, Mr. Jefferson should be given up for Mr. Burr." The counsel was not justified by republican sentiment, but it may justly be taken to proceed from Burr himself.

His election as president was possible, and thirty-six ballots, occupying seven days, were taken before a majority was recorded. Some federalists were inclined to favor Burr over Jefferson ; but Hamilton, with zeal and energy, opposed the former with bitter language and convincing arguments. Jefferson pronounced Burr's conduct during the crisis "honorable and decisive, and greatly embarrassing" to those who tried to "debauch him from his good faith." The federalists concluded that he would not accept their principles even if they gave him their votes. Subsequent events have colored the judgment pronounced on this incident. While Burr took no steps to prevent his promotion over the head of Jefferson, he did not enter into any bargain to secure that end.

New York was to furnish the vice-president. The number of leaders or aspirants for leadership, the sharp personal rivalries, and the divisions within parties, in the commonwealth, have become a striking feature in its politics. Hamilton, as he had bitterly denounced John Adams, alienated men who should, by their general tendencies, have coöperated with his party. He was a philosophical statesman, lacking the tact and temper of a political leader. The federalists were not a compact body, and they lost, one after another, elements essential to their strength, — the Livingstons, Ambrose Spencer, a man of note, and in 1800 a large body of its former adherents in the interior districts. Aaron Burr, with all his suavity and seductive arts, and his skill in using men on single occasions, managed a party for selfish schemes, and treated all its prominent members as rivals to be checked. They were both men aloof from their followers, and Burr was a character such as in modern phrase would be styled a "boss," relying on stratagem and intrigue for success. He thrust aside the Clintons and the Livingstons, to find in them remorseless antagonists. If he had been wise enough to make them his allies and friends, he would have been irresistible. If Hamilton, on the other hand, had possessed the faculty of combination and the arts of popularity, his career would not have closed as secretary of the treasury.

Burr became vice-president, and his State was to elect his successors to that office for thirty-two out of eighty-four years to follow. The commonwealth grew soon to a magnitude such that its parties were divided within themselves, and their leaders indulged in rivalries so intense that each would not permit the other to attain to the first eminence; while the vice-presidency has been conceded by national conventions, with a desire to heal the local dissensions, sometimes with the effect to intensify them.

It was not due to a lack of men of ability or desert, but to the conflicts at home, that, after the retirement of Hamilton, New York had no cabinet minister, appointed at the beginning of an administration, until Martin Van Buren became secretary of state, in 1829, and none at all until John Armstrong was called to fill a vacancy as secretary of war in January, 1813, and served until September, 1814. In foreign appointments, the commonwealth was treated with more consideration at this period. John Jay, who had been minister to Spain and one of the signers of the treaty of peace with Britain, resigned the office of chief justice of the United States to go to England to settle grave difficulties, and he was succeeded at that court by Rufus King, who, in the trying years from 1796 to 1803, sustained the honor of the young nation. Gouverneur Morris, in France, exposed the venality of Talleyrand, and the bad faith of the greedy government; and Robert R. Livingston, nine years later, represented our country during the sway of Napoleon as consul, and negotiated with him the purchase of Louisiana. John Armstrong, a brother-in-law by marriage, succeeded Livingston in this desirable mission. Brockholst

Livingston, appointed November, 1806, to be associate justice of the supreme court of the United States, completes the list of New York's contributions to the federal service at this period in places of high rank.

Within the State, the complaints were loud that the federalists monopolized all the offices while Washington and Adams were at the head of the national administration. It is equally true that Governor Clinton took good care of his friends, although he was checked, at some times, by the council of appointment, whose members claimed that the governor had but a single vote in a board of five in making nominations. Governor Jay, as his biographer declares, during the six years of his administration never dismissed a single individual from office on account of his politics; and when a candidate was once pressed upon him because he was a federalist, the governor responded: "That is not the question. Is he fit for the office?" Mr. Jay was certainly nice in his sense of honor and purity in the civil service, and in his unwillingness to swerve from the strictest integrity for party purposes.

To him the State owes the abolition of slavery within its borders. Although a slaveholder, manumitting the faithful and deserving of his own slaves, he had long been enlisted in a movement for abolition, and in his third attempt before the legislature secured the passage of an act, April, 1799, providing that all children born of slave parents after July 4, ensuing, should be free, subject to apprenticeship in the case of males until the age of twenty-eight, and of females until the age of twenty-five, while the exportation of slaves was forbidden. Slavery had gradually been mitigated in its severity, and the number of slaves, 21,903, was so small in its ratio to the total population, now nearly a million, that the institution had lost much of its commercial and social significance. Thenceforth the statutes gave guaranty that birth on the soil of New York was a charter of freedom.

CHAPTER XXVIII.

A TRAGEDY.—LOSS OF THE PRESIDENCY.

1801–1813.

THE material prosperity of New York was diversified and rapid, and, although suffering from the threats of foreign complications, when those ceased it rose to its full current. The extension of agriculture on its soil was never equaled in the older States of the Union, and its development of manufactures surpassed at that period that of any neighbor. With wealth, social graces, especially in the cities and on the manors, became more general, although they could hardly be more conspicuous than they were among a few when the state and national capitals were in New York city. The people were full of energy and enterprise, and immigrants from New England as well as from Europe added to industry and production and thrift. The diversified elements in the population were observed by travelers and visitors. The Dutch retained their hold in their original seats. The Palatines in the Mohawk Valley stood aloof, in manners and tastes, from the Scotch and Irish who surrounded them. The Huguenots did not lose their ground in Westchester. Towns in Oneida county became as distinctively Welsh as any in the principality. Parts of Otsego were what they were made by the original Scotch preëmption. Pennsylvania furnished emigrants to Tioga, and by way of Pittsburgh to Allegany and Chautauqua. Connecticut and Massachusetts contributed families and influences to the western counties and along the route to them, as Vermont and New Hampshire did to the Valley of the St. Lawrence. The French crossed the river and the lake from Canada; and later, companies came into northern New York direct from France.

All religious sects were represented. The Shakers, who settled in the borders of Albany county in 1776, were prospering. President Timothy Dwight, in his visit "to the Whitestown country," at the close of the last century, was shocked by the prevalence of horse-racing in the Mohawk Valley, and found the people "destitute both of knowledge and morals." His observation was scanty and his generalization very broad. The Presbyterians and Congregationalists of New England before 1800 sent into central New York at least thirty-seven ministers, either for missionary exploration, or for clerical labors more or less prolonged, and they were welcomed by the inhabitants. Rev. John Taylor, who traveled by stage in 1802 along the valley, and passed into the Black River country, met with little difficulty in securing congregations to hear his sermons on week days as well as Sundays, and he reports Presbyterians, Baptists, Methodists, Congregationalists, and Universalists, with their societies. He "seldom found a family without a Bible," and was everywhere encouraged in his labors. Of Western, still a small town, he wrote: "It is incredible how thick this part of the world is settled."

The mingling of peoples was, however, the striking feature. In Utica, with only ninety houses, "ten or twelve different nations were represented at this time." While between the various settlements a certain division prevailed in manners and tastes and sympathies, and to some extent also between families of different origin on the same soil, gradually the lines of demarcation grew more faint, and crossed each other. The intermingling proceeded with successive generations, but more or less various locations retain to this day the impress of their original settlement. The Empire State, from before the Revolution, had this distinction, and the waters of the growing river, although they spread more widely and rose to flood, were colored with the soil and vegetation of their sources. This was the explanation of that growth which in its volume, and still more in its varied phases, is wellnigh unique. The story of that growth in its curious details, in farms laid out, in factories built, in roads extended, in the broadening culture of the people, will repay examination and can never lose its novelty. The aggregate results remain, for monument to the generations passed, for example to their descendants.

In the midst of this development, political problems occupied a large share of attention. Governor Jay had been invited, December, 1800, to return to the position of chief justice of the United States, but declined, as he declined also to be a candidate for governor for a third term at the election of 1801, when George Clinton was again chosen to that position. Governor Jay, near the close of his administration, when the republicans were mounting to power, found the inconvenience of the system which the council of appointment enforced. Three members, constituting a majority, claimed the right of nomination over the head of the governor, who insisted on his own right to nominate without submission of the names to the council. The controversy culminated in the refusal of the members to vote on nominations presented by the governor; and thereupon he called them together no more, and appealed to the assembly, as did the majority of the council. That body asked the opinion of the chancellor and the supreme court, who declined to enter into the matter as extra-judicial. In order to settle the question, a convention was recommended, to consider the constitution in this provision and in the number of senators and assemblymen. The convention, which met October 13, chose Aaron Burr president; and on its rolls were DeWitt Clinton and Daniel D. Tompkins, both to become governors. Yet, by a vote reported to be unanimous, although Governor Tompkins subsequently claimed that he opposed it, the declaration was recorded that the council possessed equal powers of nomination with the governor. This limitation of executive authority, after full discussion by a convention chosen especially to consider the subject, is one of the striking features in the constitutional history of New York. The same body fixed the number of state senators at thirty-two, at which it has always remained, notwithstanding the multiplication of the population nearly sixfold. The members of the assembly were to be one hundred, to be increased at each census at the rate of two yearly, until the total should reach one hundred and fifty.

DeWitt Clinton had been chosen United States senator in 1802, and was already overshadowing his uncle, George Clinton, the governor, and was credited with the highest aspirations. Between DeWitt Clinton and Aaron Burr, who was not only vice-president, but regarded as a candidate for succession to the presidency, a personal rivalry arose, which was carried to great lengths, and affected seriously the fortunes of both. The charge was urged that the federal offices in the State were given by President Jefferson to Burr's enemies, while the representatives, who were during the choice for president suspected of favoring the New York candidate, received consideration which it was alleged showed that promises had been made to secure their votes for Jefferson. The designation of Chancellor Livingston as minister to France, and of his brother Edward to be United States attorney for New York, was cited on the first charge, with a full list of specifications under the second charge. At Albany the Clinton influence was supreme, and taking the Livingstons into alliance it completely ostracized the friends of the vice-president. The relations of Burr with the presidential election of 1800 were the theme of repeated and detailed attacks in the "Citizen," published in New York. The "Chronicle" carried on an aggressive warfare against the Clintons and Livingstons. The "Evening Post" was just started as the organ of Hamilton. The strife was carried into private life. Burr and his friend Swartwout were turned out of the direction of the Manhattan Bank, and the latter was called by DeWitt Clinton "a liar, a scoundrel, and a villain." A duel was the consequence, but fortunately, after five shots were exchanged and Swartwout was twice wounded, Clinton refused to fire again, and a political murder was averted.

The legislature in 1803 gave another illustration of the extension of politics into business by chartering the State Bank at Albany, and distributing the stock among the friends of Clinton in the two houses; while at the same time a charter was refused to the Merchants' Bank, controlled by Burr's supporters. The defense was that federalists owned the only three banks then existing outside of New York city, — at Hudson, at Albany, and near Troy respectively. In New York city, the first bank in the State established by charter from the legislature was the Bank of New York, organized under the auspices of Alexander Hamilton, and it was for years a power in politics. All bank franchises were then monopolies, and they were awarded notoriously to political favorites, and the step was not very great to give profit, as in the case of the State Bank, directly, in large part, to those who voted for the charter. Gross as the practice seems to modern morality, both parties acted upon it, and only when charges of direct purchase were made did the scandal arouse pronounced opposition. In 1805 two senators accepted stock in the Merchants' Bank, with the promise that it should be taken off their hands at twenty-five per cent. advance, and the agent in this transaction was also a senator. A committee of investigation was ordered, whereupon one senator resigned to avoid expulsion; but the charter, although for the benefit of federalists, was granted. Governor Lewis and his friends favored the measure, while the supporters of DeWitt Clinton, led by Ambrose Spencer, opposed it. The difference was to fester, and the issue was to attain importance.

In 1812, at the closing up of the United States Bank, a proposal was strongly advocated to establish the Bank of America in New York, with a capital of $6,000,000, and for the charter of which the stockholders of the institution that had been closed might subscribe for $5,000,000, while as a bonus $600,000 was to be paid to the State, with privileges as to public loans. Governor Tompkins took strong grounds against the project in a message, reciting charges of corruption that should be sifted, and enlarging on the dangers of the growing powers of corporations and the extension of bank credits ; he went so far as to prorogue the legislature from March 27 to May 21, under authority then granted by the constitution, but used only in this case. A lobby agent was convicted, bribery was brought close home to some legislators, and although in the senate Erastus Root, of Delaware, fought with dilatory measures, in the end a charter was granted. For this result DeWitt Clinton was in large degree responsible, for he was to have and did get the support of the bank ring in his candidacy then pending for president. These graspings for bank charters as political prizes, or as conditions of bargains in politics, continued until the free banking law was enacted, allowing equal privileges to all under statutory regulations.

The scandal relative to both these banks, or certainly the form which it took, was due to the practical disappearance of the federal party. After the flurry of a possible war with France, Hamilton contented himself with his profession, in which his splendid abilities lifted him above rivalry ; and in the course of a suit for libel brought against Harry Croswell, for words spoken of Jefferson in the "Balance," a newspaper published at Hudson, he delivered an argument for allowing the truth to be presented in evidence, and permitting the jury to judge of the law and the facts. The impression was so strong that the statutes were amended according to his views, and new security was given to the liberty of the press.

The successful lawyer did not forget his hostility to Burr, of whom he spoke with intense hatred and with utter condemnation of his personal and political character. In 1804, George Clinton was nominated for vice-president on the ticket with Jefferson, and was in due time elected. Burr felt keenly his own rejection, and resolved to become a candidate for governor, and to that end secured a nomination from a few friends in the legislature, and from public meetings here and there. The democrats nominated Morgan Lewis, the chief justice, who was connected with the Livingstons by marriage. An attempt to induce the federalists to support Burr was opposed and in large measure checked by Hamilton. Burr carried New York city, but in the State, in a poll of 52,698 votes, the majority against him was 8,690. Even his audacity accepted the defeat as crushing and final, and it stirred his rage for vengeance. Hamilton had been during his entire career his opponent, had thwarted his ambitions, had in the State and the nation thrust from him the grandest prizes. They belonged to opposite parties, it is true, and Hamilton was always frank and open in his action. The Clintons and the Livingstons in his own party had overcome him and driven him out. But Hamilton was the foremost of his adversaries, and at him he was determined to strike.

The fashion of the times prompted resort to the duel. Hamilton's son had been killed in a semi-political affair, and in society and politics a challenge was a recognized device for getting satisfaction. Burr adopted it, in the passion following his defeat. The correspondence is matter of record. The rivals, each so gifted and each so commanding in his own way, met at Weehawken, July 11, and the single shot which proved fatal to Hamilton, who refused to fire at his adversary, set an imperishable brand on the brow of Burr. The killing was justifiable under the code, but was murder under the law. Hiding, fleeing to escape arrest, as soon as he was outside of the State, Burr's audacity returned. Gay in Philadelphia, in Washington he resumed his chair as vice-president, and invited the storm of obloquy and execration which he defied. The popular mind tolerated no apology. The offenses of years were emblazoned by the blood of his victim. Hamilton was the theme of eulogy in press and pulpit and forum. The practice of dueling, tolerated up to that time, was proclaimed to be murder; and he who so lately was honored as vice-president, and only a little while before barely escaped election to the presidency, was in church and society, on the streets and in public assemblies, denounced as a murderer. Our annals are not stained with another tragedy so dramatic. The fate of the victim has added pathos and zeal to many a eulogy on his political principles and his services to the republic.

Burr passed out of the politics of New York. An invitation was extended to him to enter politics at the South, where the duel would not condemn him. He chose to pursue a romantic adventure in the Southwest, as a result of which he was put on trial for treason against the United States. Ruined in fortune he sought refuge in Europe, but returned to New York, where he resumed the practice of the law; but he was soured and disgraced and died, with few friends and little consideration, September 14, 1836.

Morgan Lewis as governor bridged over the interval for the new men who were rising to favor. DeWitt Clinton in 1802 took a strange step by resigning his seat in the national senate to become mayor of New York, and Theodorus

Bailey followed his example to accept the postmastership of that city. The local offices afforded the larger emoluments, and Clinton doubtless regarded the mayoralty as a surer lever for political promotion. His future was to justify his ambitions, for even the highest prize was to be proffered by devoted friends. Other men were rising into prominence. James Kent, now forty-one years of age, was appointed chief justice in 1804 to succeed Governor Lewis, and, after ten years of service on that bench, was made chancellor. His pure character and his eminent learning, and brilliant as well as solid ability, commanded admiration in his own day; and as the author of "Commentaries on American Law" he was the pioneer and the master of our jurisprudence. A younger man, only thirty years of age, who took Judge Kent's place on the bench of the supreme court when the latter became chief justice, was destined to occupy a broad and commanding position. This was Daniel D. Tompkins, who had already served in the assembly and the constitutional convention, and was chosen to congress in this same year.

Mr. Clinton in his political zeal soon came into collision with Governor Lewis, and the warfare between them grew virulent. Clinton was charged with intriguing with those who still clung to the name of Burr; the federalists generally adhered to Lewis, as was alleged, in return for his favors in chartering the Merchants' Bank. It is not necessary to attribute base motives to either for an alliance that was natural. Lewis was the candidate of the Livingstons, while Clinton was already organizing a party that was to be in many respects personal, and which he drilled and disciplined to follow him.

It is difficult to discover grounds of principle to explain the divisions of this period. All parties accepted the federal constitution, and in New York there was little or no organized opposition to Jefferson's administration. The questions which led to the second war with Great Britain were arising, but parties and factions were not yet arrayed upon them. The controversy was one very largely of men and offices merely. The Clintons and Livingstons, once allies, were the leaders of the hostile forces. The former controlled at this time the federal patronage, while the Livingstons, who had enjoyed their full share, were no longer influential at Washington, although personally honored. At Albany, however, they had the ear of the governor and inspired the administration. They showed their temper by removing Clinton from the mayoralty of New York, and his friends from such state offices as they held. Clinton and Livingston nominally agreed on the matter of bank charters, but the former assented to grants for which some of his friends voted, as the Albany "Register" pleaded, and out of which scandals grew. DeWitt Clinton was already an aspirant for the presidency, and was anxious to win favor and popularity in his own State. The Livingstons had ambitions, but they did not soar so high, and their efforts were directed primarily to the crippling of their chief rival.

George Clinton was still serving his first term as vice-president when his nephew was busy in seeking the nomination for the chief magistracy. The uncle was in the natural line of promotion, and less hostility was felt towards him. On the change of president, up to this time, the vice-president had been promoted to the executive chair. To continue that policy, as well as to promote the more remote aspirations of DeWitt Clinton, it was of the first importance to carry New York. The first step in the movement was the election of governor. If DeWitt Clinton could have been chosen to that place in 1807, since his uncle was not to follow Jefferson as president, he might reasonably hope, as he did hope without that election, to sit in the seat of Washington. He did not deem it wise, however, to enter the canvass. He recognized the bitterness of the Livingstons towards himself, and fully reciprocated it. He deemed it necessary, in order to secure the show of strength for his own party, to flank this difficulty, and to present a candidate with whom he could appeal to the prejudices against the Livingston family represented by Governor Lewis, while, by keeping himself in the background and holding his brother-in-law, Ambrose Spencer, also in reserve, he could avoid arousing the hostility against his own family. He hit upon Daniel D. Tompkins for the candidate, and after a sharp contest, in which Governor Lewis used all the State patronage in his own behalf, Tompkins was elected, and DeWitt Clinton's plans were thus far successful. The new State administration was prompt to change Governor Lewis' recent appointments, and to restore DeWitt Clinton to the mayoralty of New York, although he was at the same time State senator and member of the council of appointment, as he was assuredly the most important factor in the politics of the commonwealth. At home the Clintons were for the moment supreme.

The congressional caucus of 1808, which then nominated the national candidates, was under different influences. George Clinton complained that he was not consulted about the nominations, and did not even know of the caucus until the day on which it was held, but he consented to continue as vice-president, with Mr. Madison as chief magistrate. The Albany "Register" pointed out the grasping policy of Virginia, and the "New York Post" quoted from Virginia papers denunciations of the enormous power wielded by DeWitt Clinton in New York. When the electoral college met, six votes were cast for Clinton for president, and his opponents tried on that ground to put the vice-president and his party in his own State in antagonism to the national administration. The attacks on DeWitt Clinton were so personal and direct that he met them by resolutions in the senate, and an elaborate speech eulogizing Mr. Madison, and sustaining the embargo and non-intercourse laws. Governor Tompkins joined with Clinton in this policy, while the opposition to the war now plainly threatened fell into the hands of the federalists, who revived their organization, and in the election of 1810 nominated Jonas Platt for governor. The republicans, however, carried everything before them, and Governor Tompkins was supported by ex-Governor Lewis, and by a large part of the Livingston following.

By the death of John Broome, elected lieutenant governor, DeWitt Clinton found occasion for another of the strange steps which marked his career. He accepted the nomination for the vacancy, and amid a storm of assault and denunciation was elected, and went to Albany, not so much to preside over the senate as to conduct his canvass for the presidency. President Madison was using the federal patronage to cripple Clinton. The vice-president, George Clinton, having died in Washington April 20, 1812, his nephew inherited whatever strength he had to bequeath, and needed all of it; for he met with obstacles in an unexpected quarter. Governor Tompkins was aspiring to the presidency in the early future, and was charged with delaying action by the legislative caucus until Madison could be renominated at Washington. In spite of all complications, Clinton secured a nomination for president from the republican members of the legislature, although two absented themselves, and others gave only formal assent. Ambrose Spencer and John W. Taylor, afterwards to be speaker of the lower house of congress, wrote that "no event would exalt Mr. Clinton higher than a surrender of his pretensions to the presidential chair;" and other friends pointed more directly to an arrangement for conceding a second term to Mr. Madison, with the succession, in 1816, to the candidate from New York. The proposition was declined, and by a combination with the federalists, Clintonian electors were secured from the State. The federalists in other States adopted Clinton as their candidate, not because he accepted their position relative to the war, but as a protest against Madison's policy. In the national college, all the States south and west of the Potomac voted for Madison, with Ohio, Pennsylvania, Vermont, and six electors from Maryland — 128 in all. For Clinton were recorded five electors from Maryland, and all from New York, New Jersey, Delaware, and New England except Vermont — a total of 89. The vice-presidency was taken from New York and given to Elbridge Gerry of Massachusetts.

The presidency was lost to New York not only for 1812, but until the reconstruction of parties. The self-seeking of DeWitt Clinton, the personal virulence of the canvass, the ambitions of rivals and especially of Governor Tompkins, and the readiness to enter into unnatural alliances, were unfortunately to be prophetic of the politics of the commonwealth in subsequent years. The haste to reach the supreme goal, the failure to recognize the difficulties of concentrating the opposition to Madison upon himself, are now obvious in the canvass of Clinton. But his supporters were not unreasonable in hoping to secure Vermont and North Carolina, with some single elector elsewhere, in addition to the electoral votes actually cast for him. If they had done so, who shall say what effects would have been wrought in the affairs of the commonwealth as well as of the nation?

CHAPTER XXIX.

SECOND WAR WITH GREAT BRITAIN.

1810–1815.

THE situation and topography of New York, at all stages so determinative of its history, subjected it once more to the burdens and hazards of conflict, in large part along the lines which in the preceding century had been marked by fire and slaughter. The commonwealth had become the chief producer, on this continent, of wheat and other grains, while its chief city was the centre of American commerce. The embargo act of 1807, forbidding the departure of any merchant vessels from our ports, was a staggering blow to the State, although, as the people were thrown back upon themselves, they gave additional attention to manufactures.

DeWitt Clinton, who at first opposed the measure, was led by popular pressure to change his position, and not only his State, but New York city with its ships shut up in the harbor, sustained the embargo. Lake Champlain and the St. Lawrence opened routes for evasions, and they were many, and the enforcing act for employing state militia to prevent them was rigorously applied there. Public meetings in New York and Albany gave expression to the protests against this policy, and Jefferson was compelled to bow before the "unaccountable revolution of opinion and kind of panic, chiefly among the New England and New York members." Nowhere was the sense of relief greater than in New York when the ill-considered law was repealed, and this feeling secured a hearty welcome for the non-intercourse act of 1809, restricting commerce with France and Britain only. The project of a treaty for the repeal of the British "orders in council," and President Madison's proclamation, November, 1810, for the consequent suspension of non-intercourse, gave great joy to all engaged in foreign trade, and Great Britain's repudiation of the act of its minister produced equal disappointment and indignation. The course of Napoleon with reference to the Berlin and Milan decrees, and the confiscation of American vessels, went far to cure the Gallican fever, while the revocation of those decrees concentrated the quarrel with Britain, and afforded occasion for the war to which events had been for some time leading. The impressment of American seamen was keenly felt in New York. Outrages at sea were promptly reported here by incoming vessels, and many sailors shipped from the chief port, even when their homes were elsewhere.

The State was not as strongly represented in either house of the national legislature, in the eleventh and twelfth congresses, as it was before and afterward. The senators were John Smith and Obadiah German, politicians of local influence. Among the representatives were Dr. Samuel L. Mitchell, who had sat in the senate to fill a vacancy, Thomas R. Gold, Erastus Root, and Peter B. Porter.

New York had a right to special consideration in deciding the proposition for war. It had material interests second to none, not only threatened and in peril, but in large degree sacrificed. Yet its people submitted gracefully to the embargo, contented themselves with temperate protests against the enforcing act, and sustained with vigor the policy of non-intercourse. They gave no toleration to the British efforts to arouse hostility to the government, and had no sympathy with the passionate protests heard in New England against the policy of the administration. If war should come, its seaport was liable to blockade, as its commerce would be destroyed, and the enemy would pass readily by Lake Champlain, the St. Lawrence, and Lake Ontario with destructive fleets to throw invading armies upon its frontiers. Many wise men in New York favored the continuance of non-intercourse, from which Great Britain suffered as well as the United States, and advised the prolongation of efforts to avoid actual conflict, sure to bring, at least at the outset, serious disasters. We were not ready, on sea or land, was the argument of not a few. Why should we take the initiative without adequate preparation? Great Britain had offended grievously, but so had France. Why should we be patient under the insolence and wrong of one, become its practical ally, and rush into hostilities against the other? The resources of commercial restrictions and of adroit and brave diplomacy were not exhausted. Great Britain, in fact, canceled the orders in council, on definite proof that the Berlin and Milan decrees were repealed. For the wrongs of impressment the war brought little satisfaction, nor did the treaty of Ghent, in 1814, give satisfaction or concession of principle for the future.

For the time, the war party ruled the country. When Congress, in 1811, voted to raise the regular army to 35,000 men, and authorized summons for 50,000 volunteers, with the preparation of the navy and the building of new ships, New York did not hesitate. On the contrary, after war was declared, June 18, 1812, the sentiment of the State was strongly in favor of its vigorous prosecution. Because Mr. Madison was regarded as timid and slow, DeWitt Clinton was urged for the presidency, as more able, more vigorous, and as a New Yorker nearer the scene where actual conflict would occur. When this movement failed, the State relaxed no effort, neglected no precaution, refused no sacrifice, for the national defense. Individuals risked their fortunes, not only in privateers to damage British commerce, but in securing supplies for the army and navy, and helping the government with money. Governor Tompkins, reëlected in 1813 as he was again in 1816, devoted every energy and every resource to the war, and probably in part from negligence in his accounts, ruined himself pecuniarily, and subjected himself to scandals and aspersions which time was required to controvert. Among the brigadier generals appointed was John Armstrong, who had been active about the Newburg addresses, an ex-senator of the United States, and late minister to France ; he was to become secretary of war, and to resign after severe censure for failure. Morgan Lewis, the quartermaster general of the army, was also made a brigadier, and was afterward to have command of the defenses of New York city.

The defeat and surrender of Hull at Detroit, August 16, 1812, turned the whole hopes of an invasion of Canada upon the paths from New York. General Dearborn was at the head of 3,000 regulars and 2,000 militia on Lake Champlain, and it is noteworthy that no operations were attempted further eastward. Along the St. Lawrence, with the left at Sackets Harbor, 2,000 militia were arrayed. Buffalo was the western limit, where a force of 6,000 volunteers and militia was stretched out as far as Fort Niagara. At Ogdensburg, Jacob Brown was in command of a small force, and worried the British by intercepting their supplies on the St. Lawrence. Boats on the river came into frequent conflict. October 4, 1812, a British force of 700 men attacked Brown's position, but was repulsed, and the American commander began a military career which step by step raised him to the command of the national army.

Gunboats were in process of construction at Sackets Harbor, although everything except timber had to be brought from Albany. One of these, the Oneida, was attacked, July 19, 1812, by five British vessels, but by planting a part of her guns on shore, she repulsed the enemy. Commodore Chauncey was soon sent to direct operations on Lake Ontario. With the Oneida and six trading schooners he drove the British ships into Kingston harbor.

Early in October Lieutenant Elliott cut out two vessels from under the guns of Fort Erie on the Canada side. On the Niagara River, October 13, Colonel Van Rensselaer crossed and captured a British fort at Queenstown; reinforcements came to the British, but the Americans refused to go to the relief of their companions, who were attacked and defeated. Among the prisoners was Lieutenant Winfield Scott, who was with the advance as a volunteer. At the close of November an effort to retrieve this disaster, by throwing a column from Black Rock across into Canada, with a sign of success at the outset, resulted in failure, and a dispute concerning the responsibility for the failure led to a duel between Smyth and Porter, the first two in command.

On Lake Champlain, General Dearborn had advanced from Plattsburg to the frontier. A blockhouse was burned; the first prisoners of the war were taken at the Indian village of St. Regis; and a flag was captured by William L. Marcy, afterwards eminent as a statesman. November 20, an attack was made on a blockhouse on the River La Colle, from which the garrison escaped. Two American detachments mistook each other for foes, and after firing, both retreated, leaving their dead on the field.

All the gallant exploits of the navy were needed to counteract the bad effect of the failures on land in the autumn of 1812, and the disappointment of those who believed that Dearborn could with courage and energy have pressed forward to Montreal. The sailors at sea, and in less degree on Lake Ontario, sustained the spirit of the people. The campaign of 1813 was identical in plan with that of the preceding year. General Harrison fortunately recovered the Michigan territory. General Dearborn took command of the land forces on Lake Ontario and its confluents, while General Hampton directed movements on Lake Champlain. American prisoners, seized in sudden raids on our shores, were imprisoned in Brockville; and rumors coming that they were ill treated, Captain Forsyth, February 6, 1813, led a rifle company and about two hundred volunteers, captured the jail and rescued the prisoners. He brought away a number of citizens as prisoners, and also a quantity of military stores, but no private property. The British, much aroused by this affair, projected plans of retaliation; and February 22, a force of regulars, militia, and Indians attacked Ogdensburg, where Captain Forsyth was in command with a much inferior number of men, and after an action of an hour and a half, the town was taken with its stores, and the barracks and shipping were destroyed. The British official reports show one hundred and one killed and wounded, while the Americans lost only twenty. Captain Forsyth retreated and many citizens fled, while others were paroled for exchange for the inhabitants of Brockville. Some of the houses were plundered before the British retired the next day.

In April, Commodore Chauncey conveyed a column of sixteen hundred men across the lake to York, now Toronto, which was taken by assault April 27, when General Pike, who led the attack, was killed. Valuable military stores were seized, two ships were burned, and either by the victors or retreating Canadians the parliament house was set on fire, and served as a pretext for the burning of the capitol at Washington. The Americans reëmbarked and proceeded to the Niagara River, where, May 27, they compelled the British commander to blow up Fort George, and to abandon all the posts on that line. Sackets Harbor was well-nigh stripped of its defenders by these operations, and was attacked, May 29, by General Prevost with one thousand men, two ships, four schooners and thirty open boats. His defeat was signal, and cost one hundred and fifty killed and wounded; while the Americans lost twenty-one killed and ninety-one wounded, besides some who fell into the hands of the retreating army. For this victory, Brown, who was in command of the Americans, was appointed a brigadier general in the regular army.

In June the British kept up their activity on Lake Ontario. They threatened Oswego, they burned houses at Sodus Bay, they appeared at the mouth of the Genesee. On Lake Champlain also the British were defiant and active. Early in the same month they captured two American sloops that were a little too venturesome, and so held control of those waters for the season. July 31, they burned the barracks at Plattsburg, with the military stores; and appearing before Burlington, captured trading vessels in sight of the town.

To direct the movements for the invasion of Canada, General Wilkinson was put in command at Sackets Harbor; and, September 5, General Armstrong, secretary of war, came for consultation. The American force was at Fort George and Niagara 3,500, at Oswego 100, at Sackets Harbor 2,000, and on Lake Champlain 4,000. On Lake Ontario and the St. Lawrence, the American flotilla was superior to the British in number of vessels, but not quite equal in guns. Chauncey tried often and adroitly to lure Sir James Yeo, commander of the British fleet, to a decisive battle, but the latter avoided the fight. Perry had won his victory and earned his fame on Lake Erie before Wilkinson's plans were put into operation. October 16, General Hampton was ordered to advance to the mouth of the Chateaugay. Grenadier Island was the place of rendezvous for the main expedition, and there a large part of the force was gathered October 20. Six days later, the artillery embarked at Sackets Harbor. A storm arose, fifteen large boats were wrecked, supplies and clothing were damaged and some lost. General Brown was stationed at French Creek (now Clayton), whence detachments were ordered to proceed down the St. Lawrence. There he was attacked by the enemy by land and water, and for two days fighting was maintained. The British were, however, repulsed, and the passage was kept open by Brown and by Chauncey off Carlton Island, so that the American army was concentrated at Morristown. Brown then covered the descent of the rapids, when Hampton's expedition moved without order under a general who lacked the qualities needed for compact and effective action. Hampton blundered in a demonstration toward the Canada line, and fell back when he might have advanced. He refused to coöperate with Wilkinson, on the plea that the season was too far advanced, and he returned to Lake Champlain. At Chrysler's farm, November 11, Wilkinson came upon the British, and a sharp battle cost the latter two hundred men, and the Americans three hundred. The official reports claim a "splendid victory" for the British, but they hardly held their ground, and the superior forces of the Americans under efficient leadership could have renewed operations with good prospects of success.

Montreal lay now within striking distance, with a garrison of only six hundred men, and American generals and American soldiers have achieved greater victories than its capture would have been. But Hampton would not coöperate, while Wilkinson was sick and feeble, if not incompetent, and found reason for abandoning the expedition. The flotilla went into Salmon River, and the army into winter quarters at French Mills, now Covington. In February the camp was broken up, and the men were divided into two columns, one at Sackets Harbor, and the other at Plattsburg.

In December, General McClure, on the Niagara River, without troops to hold Fort George, burned the adjacent village of Newark, and retired to Buffalo. The British, under General Prevost, turned upon him, captured Fort Niagara, put the garrison to the sword, and burned Black Rock and Buffalo, with wealth of provisions and stores and three vessels of Perry's fleet.

The campaign was not creditable to the nation: it brought disaster and suffering to the frontiers of New York. In February, 1814, the British penetrated to French Mills, on a raid of destruction. March 30, Wilkinson ended his career by a campaign up the shore of Lake Champlain to the River La Colle, where he was so unsuccessful that he resigned his command, and asked for a court of inquiry, which in due time declared him free from blame. Other leaders were wanted and they were at hand. Brown, now a major general, was in command at Sackets Harbor; and to Winfield Scott, now a brigadier general, was given control on the Niagara frontier. Both set to work to prepare an army disciplined, compact and confident. Brown joined Scott, and on July 3 occupied Fort Erie without a shot. The Battle of Chippewa was fought July 5, when Scott won a victory.

After securing reinforcements, the British, on the 25th of the same month, took position at Lundy's Lane for new operations. Scott attacked them with his advanced column, Brown brought up the main army, and with a loss of eight hundred men on each side, victory again rested with the Americans over troops many of whom had served under Wellington in the wars against France. Once more, on August 15, before Fort Erie, General Brown won advantages, which were in October thrown away by General Izard, who blew up the fort and abandoned the line of the Niagara.

On Lake Ontario the fleets on both sides had been increased. Vessels were rapidly constructed at Sackets Harbor in the spring of 1814. The frigate Mohawk, carrying forty-four guns, was built in thirty-four days, and other vessels in only a little longer time. The cannon was brought by way of Oswego, so that the transports had to run the gauntlet of the British cruisers. This was the incitement to activity on both sides. At Oswego the British destroyed the fort, and carried away guns designed for the ships. They pursued transports loaded with stores into Sandy Creek, but lost their boats and crews in the venture, with considerable loss also in killed and wounded. The chronicles of these waters at this time furnish incidents abundant and full of adventure. By August, Admiral Yeo was blockaded in Kingston, where he had a ship of one hundred guns in process of building, and the British were compelled to direct their movements otherwhere.

Veterans from Europe, with local accessions making an army 12,000 strong, invaded New York and took up position on the Saranac; while a British fleet of four vessels and twelve gunboats, carrying ninety-five guns and one thousand men, was displayed on Lake Champlain. In Plattsburg bay, Commodore McDonough had an American squadron at anchor, four vessels besides ten gunboats, carrying altogether eighty-six guns and eight hundred and fifty men. General Macomb marshaled only three thousand regulars, but the militia of New York and Vermont added as many more. On land and water the British were the stronger in numbers and in cannon. The British fleet made a skillful and gallant attack September 11, but was outmanœuvered and outfought; and with a loss of one hundred and twelve killed and wounded, the Americans were victorious, the British gunboats running away after striking their flags. Under cover of a storm the veterans of Europe retreated from the Saranac, which they could not cross, from the presence of an undisciplined foe only half their number, leaving their sick and wounded, and even a part of their baggage and stores, behind them.

New York was a vast encampment in the early autumn of 1814. Governor Tompkins, now in command of the third military district, put nearly 40,000 militia into the field for the defense of New York city, of Plattsburg, Sackets Harbor and Buffalo. In October, Yeo's ship of one hundred guns was ready for the water, and Chauncey in turn was driven to cover; while an alarm was raised that Sackets Harbor, with its dockyards and a ship for one hundred guns on the stocks, would be attacked by an army and a fleet. To prepare for such a movement, a levy *en masse* was made on the militia of Herkimer, Oneida, Lewis, and Jefferson counties, bringing in promptly men of all ages and all vocations; but invasions from Canada were at an end. The plans of invasion of Canada, either for occupation or permanent military effect, were the dreams of the morning of the war, and had long since been dispelled.

New York city had not been quiet or idle all this while. Although it had not favored the declaration of war, it never hesitated in its prosecution. Within four months after the declaration, it sent out by individual enterprise 26 privateers, carrying 212 guns, and 2,239 men. Great efforts were put forth to fortify the islands and the approaches. Operations at sea were watched with apprehensions lest a British fleet might enter the bay; and the victories of our seamen were hailed with wild de-light, and the heroes welcomed with the highest honors. In 1813, Long Island was threatened by the blockading vessels, which even made requisitions for produce ; while on Gardiner's Island Commodore Decatur captured a party of British officers, so daring and confident were they in their operations. The alarm in the city reached its height at the beginning of August, 1814, when rumors of attack were circulated, and a formidable fleet in the Chesapeake was supposed to be ready for the movement. The great army of Prevost and the fleet on Lake Champlain were believed to have in view the forcing of a passage by that route down the valley of the Hudson. DeWitt Clinton, who was mayor, appealed to the people to work on the fortifications ; a committee of defense was appointed at a large public meeting ; and the popular zeal was so aroused that societies and trades and manufacturing companies, and even scholars and their teachers, in bodies took up pickaxes and shovels, and work went on night and day. From Brooklyn to Harlem, the heights were crowded with those whom a poem of the day styled "patriotic diggers." The corporation raised funds to maintain 20,000 militia summoned to hold the defenses. Governor Tompkins gave impetus and inspired confidence. The national treasury had exhausted its borrowing capacity at the banks, whereupon he endorsed the treasury notes, by which $500,000 were raised, not for use in New York alone, but also to sustain the recruiting service in Connecticut, and the manufacture of arms in Springfield.

Drilling went on everywhere, and citizens, without distinction of age or vocation, quartered at home, bore arms four hours each day. Generals Morgan Lewis and Ebenezer Stevens were in command on land, with General Cadwallader David Colden, grandson of the former lieutenant governor, over the ununiformed militia. Commodore Decatur directed the movements on the waters. The recent bombardment of Stonington, and the burning of Washington, prompted to diligence and to vigilant preparation. The fortifications grew to strength and some measure of completeness, but fortunately the British did not attack the city.

Elsewhere, on sea and land, the war went on. The cries for peace were loud, especially in New England, and were increasing in other parts of the country, while the progress of negotiations at Ghent was carefully studied. Great Britain proposed terms which the legislature of New York, notwithstanding the sufferings and burdens of the State, denounced as "extravagant and disgraceful." But when, February 11, 1815, the British sloop of war Favorite brought official notice that a treaty of peace was signed, the joyous citizens did not complain because "sailors' rights" and the rights of neutrals were not guaranteed in terms, although history has proved that they were so in fact. The celebration took every form of the expression of gladness, and the extemporized armies at once returned home, and the city in common with the country put on the garbs of peace.

So intense was the suffering on the Niagara frontier that contributions were raised for the relief of the inhabitants. All along the northern borders and the line of Lake Champlain, the settlements were well-nigh ruined. On Long Island the disturbance was less serious. In New York city, the interruption to industry and business was felt in every branch. In the interior, manufactories were started to supply the deficiencies of importation; a woolen factory chartered at Oriskany in 1809, under the auspices of DeWitt Clinton, Stephen van Rensselaer, and other eminent men, being the initiation of the policy.

Once more the cessation of conflict gave to the commonwealth free course for the growth and development for which it possessed, in such large measure, the elements in its gifts from nature and in its population.

CHAPTER XXX.

WATERWAYS AND THEIR DEVELOPMENT.

1810–1862.

THE red men knew the waterways of New York, and used them for expeditions of peace and war. The early settlers followed them in search for homes. The French found them easy paths for their invasions, as the Iroquois and the colonists used them in their excursions. In the Revolution their shores were stained with the blood of conflict. In 1812 the border waters were fought over more than once. The many navigable streams and the interior lakes impressed the earliest visitors, and the valleys cut by nature suggested to all acute observers how the gaps might be supplied with canals, to take the place of the "carries" familiar to the Indians and boatmen. Cadwallader Colden, when surveyor general, glancing to the Mississippi, saw in 1724 "opened to view such a scene of inland navigation as can not be paralleled in any other part of the world." In 1776 Captain Joseph Carver explored the country to Green Bay, and thence to the Mississippi, and suggested that the Northwest might be connected with the sea " by canals or shorter cuts, and a communication opened by water to New York, Canada, etc., by way of the lakes." The prediction is remarkable for the extent of the scheme which it foreshadowed. Local considerations were to prompt the first action.

Governor Sir Henry Moore suggested canals for the portages on the Mohawk, when, August 17, 1768, he described a journey during which he " went up as far as the Canajoharie (now Little) Falls on the Mohawk River, with the intention to project a canal on the side of the falls with sluices, on the same plan as those in Languedoc." Perhaps George Washington's vision reached farther, when, after accompanying Governor George Clinton on the ascent of the Mohawk to Wood Creek and Oneida Lake, and visiting the sources of the Susquehanna, he wrote in 1783 to the Marquis of Chastellux of the immense diffusion of the vast inland navigation of the United States, and favored connections by these routes to the West. In 1784 Christopher Colles, having submitted to the legislature plans for removing obstructions in the Mohawk, was tendered, in perpetuity for himself and his associates, the profits on the navigation of the river, if improved by them, and at the next session an appropriation of $125 was made to enable him to complete his examinations. He proved to be only a prophet. In 1791, on the recommendation of Governor Clinton, a committee of the legislature was appointed to inquire what obstructions to navigation in the Hudson and Mohawk needed to be removed; and a survey was ordered between Fort Stanwix and Wood Creek, then in Herkimer county, and the Hudson and Wood Creek in Washington county. From these surveys followed the incorporation of two companies, — one to open lock navigation from the Hudson to Lake Ontario and Seneca Lake, and the other to make a like connection between the Hudson and Lake Champlain. The directors included the foremost men in the State, and the legislature, as the work flagged, voted loans and subscriptions to the stock. A canal nearly three miles long, with five locks, was built around Little Falls on the Mohawk; another, of a mile and a quarter, at German Flats; and a third, of a mile and three-fourths, from the Mohawk to Wood Creek, with several wooden locks on the latter stream. The cost was $400,000 for a structure which called for frequent repairs, and after all did not prevent freight and passengers from seeking more rapid conveyance by land. The Champlain project came to nothing, and of various other companies chartered, only that for connecting the Oswego River with the Cayuga and Seneca Lakes accomplished any part of their designs for improving navigation.

The journey from New York to Albany, according to the narrative of Christopher Schultz, took in 1807 from two to five days, at a cost of from $6 to $10 for each passenger, including board ; while the charge for bulky freight was forty cents a hundred, and for heavier articles from twenty-five to fifty per cent. less. From Albany to Schenectady, a good turnpike road connected the two rivers. From the latter town to Utica, the windings of the Mohawk made a distance of one hundred and four miles, and freight by land or water was conveyed for seventy-five cents a hundred. On this river the favorite boats were from forty to fifty feet in length, steered by a large swing oar, and carrying a movable mast in the middle, with a square sail and topsail. With a fair wind they would make six miles an hour against the stream. In the absence of this help they were pushed forward by long poles, set against the bank or bottom of the river. Four men on each side were able to make from eighteen to twenty miles a day up the stream, and considerably more with the current. Other styles of boats were used, including those of flat bottoms for low water.

The tolls on the lower canals were $2.25 a ton, besides charges of from $1.50 to $2.62 on each boat. At Wood Creek the tolls were $3.00 a ton, and as much more on the boat, and the freight charge $1.25 a hundred. From Utica to Oswego, by this route 114 miles, the journey took nine days. Our garrulous traveler reports the "cost of travel about $2 for a hundred miles, if any charge is made," and modern devices have hardly lowered that rate; but he adds, "if you furnish a good table, no passage money will be received, and these open-hearted fellows," the boatmen, "always seem much pleased to have gentlemen for passengers," in return, doubtless, for liberal hospitality. The farmers preferred to take their products to market in their own wagons, rather than stand the cost of water transportation, and they secured freight on their return, so that, for example, in Utica, which was besides "overstocked with shopkeepers," foreign goods were "nearly as cheap as in New York."

With the increase of traffic and population, and still more the confident predictions of growth in all directions, the slow and uncertain navigation of the inland rivers, valuable as it had been, particularly in the wars, was no longer satisfactory. Steam was in use on the Hudson. Since John Stevens in 1791 began experiments for steam navigation, inventors and thinkers were busy with the problem. In 1797 Chancellor Livingston, who had seen John Fitch's experiments the preceding year, built a steamboat on the Hudson, and received a grant of exclusive rights within the State, on condition that within twelve months he could secure a speed of three miles an hour. He failed to secure this speed, but continued interest in the subject, and afterward found an ally in Robert Fulton. Both Fulton and Stevens built boats that were successful, but Fulton's Clermont, making the trip from New York to Albany at the average rate of five miles an hour, August 7, 1807, secured for Livingston and himself a monopoly on New York waters. On the Hudson, trips soon became regular; and gradually other boats were added.

Schemes of a great system dawned on many minds. DeWitt Clinton attributes the "original invention of the Erie route" to Judge Francis A. van der Kemp, who, in August, 1792, proposed the route from Wood Creek by the Mohawk and Hudson, through the Seneca River to the Genesee lands, and through the Onondaga and Oswego Rivers to Lake Ontario. He, however, still relied on the slack water of the rivers. Gouverneur Morris, as early as 1777, declared that "at no distant day the waters of the great inland seas would, by the aid of man, break through their barriers and mingle with those of the Hudson;" and in 1800, after a visit to Lake Ontario, skirting the southern shore and going to Niagara and Lake Erie, he drew a glowing picture of "ships to sail from London through the Hudson River to Lake Erie." He devoted his splendid abilities, his enthusiasm, and his great influence, to opening our waterways for the fulfillment of his prophecy. He urged the construction of that which became the Erie Canal, but believed that it should be built with a uniform declivity from west to east. The general project was taken up and discussed in private and in public, and in the newspapers.

After Albert Gallatin, in 1807, had reported favorably on President Jefferson's plan for applying the surplus revenues of the national government for the construction of canals and railroads, Joshua Forman, of Onondaga county, presented a preamble and resolutions in the assembly in 1808 for the appointment of a joint committee to consider the project of a canal between the tide-waters of the Hudson River and Lake Erie, "to the end that congress may be enabled to appropriate such sums as may be necessary to the accomplishment of that great national object." Thomas R. Gold, of Oneida county, presented an eloquent report, declaring that "while this State would forbear to derogate from the claim of others, she felt warranted in presenting to the government of the Union her own territory as preëminently distinguished for commercial advantages." On the recommendation of the committee, the legislature unanimously directed the surveyor general, Simeon DeWitt, to cause the various routes proposed to be accurately surveyed, and $600 were appropriated to defray the expenses. The survey was conducted by James Geddes, of Onondaga, who reported that a canal from Lake Erie to the Hudson could be made without serious difficulty. The newspapers and magazines welcomed the enterprise and discussed its details.

In 1810 a commission, consisting of Gouverneur Morris, DeWitt Clinton, Stephen van Rensselaer, Simeon DeWitt, William North, Thomas Eddy, and Peter B. Porter, was appointed to explore the whole route, and they personally passed over the line. In March, 1811, they submitted their report favoring a canal, with an estimated cost of $5,000,000, on which, within a century, products worth $100,000,000 would be annually transported. The author, Gouverneur Morris, put it as a privilege to the nation to build the canal, and insisted that the conditions "must be the subject of treaty." DeWitt Clinton introduced a bill, passed April 8, 1811, to carry out the project; and Robert R. Livingston and Robert Fulton were added to the commission already named, and now clothed with full powers. Morris and Clinton were sent to Washington to secure action on the part of congress. The republic was drifting into war, and needed its surplus for preparation, while Mr. Jefferson's plan of internal improvements by the national government was losing favor, and other projects, including a canal around the falls of Niagara, arose as rivals. It became evident that no help could be secured at Washington.

The commissioners, the next year, submitted a florid report from the pen of Mr. Morris, that, as the national government virtually declined to go on with the enterprise, the State was at liberty to build the canal, adding: "When the records of history shall have been obliterated, and the tongue of tradition have converted (as in China) the shadowy remembrance of ancient events into childish tales of miracles, this national work shall remain, bearing testimony to the genius, the learning, and intelligence of the present age." Surely the magnitude and beneficence of the plan were fully appreciated.

June 19, 1812, the term of the commissioners was extended, and they were authorized to borrow money and deposit it in the treasury, and to take cessions of land, but not to proceed with measures for constructing the canal. In 1814 the commission reported that grants of land were offered by the Holland Land Company, whose vast estate was traversed by the route, of 100,632 acres; by Bayard and McEvers, of 2,500 acres; by Governor Hornby, of 3,500 acres; by Gideon Granger, of 1,000 acres; and these gifts were in due time in fact received, while there were landowners who struggled to secure heavy damages for the right of way.

For a while, legislature and people were called upon to devote all their energies to the war, first for the invasion of Canada, afterward, by strong and liberal, almost wasteful measures, for the defense of the commonwealth. The defeat of DeWitt Clinton for the presidency kept him at home, and gave him opportunity to devote his zeal and talents to internal improvements. He was among the foremost in 1816 in reviving the canal project. Governor Tompkins, in his message, submitted the subject to the legislature. The popular voice expressed, from New York and Albany and along the whole route, intense interest for the immediate prosecution of the work. A memorial from New York, written by DeWitt Clinton, stated the case with great clearness and force and elaboration, advocating a route to Lake Erie rather than to Lake Ontario and around Niagara. The legislature appointed a new commission, consisting of Stephen van Rensselaer, DeWitt Clinton, Samuel Young, Joseph Ellicott, and Myron Holley, to explore and examine routes, to invite aid from sister States and from land proprietors. In 1817 the commission, of which DeWitt Clinton had been chosen president, estimated the cost of the Erie Canal, 353 miles in length, forty feet wide at the surface, twenty-eight feet at the bottom, with seventy-seven locks, at $4,571,813. The Champlain Canal was estimated at $871,000. For both works it was believed money could be secured by loan, and both principal and interest could be paid without taxation. An act for the construction of these canals was passed on the last day of the session, April 15, 1817, by a vote of sixty-four to thirty-six in the assembly and eighteen to nine in the senate. A canal fund was constituted, and placed under the control of a board composed of certain state officers, and this board was authorized to borrow money not exceeding $400,000 a year. The former commissioners were reappointed, and authorized to build the canals and fix and collect tolls.

The canals were already a political question.

DeWitt Clinton had become their most conspicuous advocate. In his last message, Governor Tompkins made no reference to them, and his supporters were not inclined to favor them. He was reëlected governor by a vote of 45,412 to 38,647 for Rufus King. Both candidates had aspirations, and both were regarded by their partisans as qualified for the presidency. Mr. King in fact received in the electoral college such few votes as the federalists had to give, thirty-four in number. The republicans were not so favorable towards a New York candidate, for the "Virginia dynasty" had chosen James Monroe for the succession, but Governor Tompkins was named for vice-president. When, in November, 1816, the legislature met, it chose electors for Monroe and Tompkins, and the governor resigned just in time to proceed to the national capital.

This change in governor was vital in its bearings upon the canals. The members of the legislature who supported the act for their construction were designated as Clintonians, with the federalists, who were not numerous. Tompkins' jealousy of Clinton may explain his coolness to the enterprise; it is certain that he was an obstacle rather than an aid. His transfer to Washington made necessary a special election for governor; and, not altogether with the approval of the managing politicians, for the first time a State convention was called, instead of a legislative caucus, to select the candidate, and DeWitt Clinton was nominated. Prominent in opposition to Mr. Clinton, although in 1812 he had managed his canvass, was Martin Van Buren, at this time attorney general, marvelously adroit in stratagem and manipulation, and already aspiring to personal leadership. He had separated from those with whom he generally acted, in favoring the canal policy, doubtless because he recognized the growing power of the northeastern, the central and western counties, which were intensely enlisted, and because he foresaw the lasting advantages of the work. The southern district was less favorably inclined to the canals. But the general sentiment was overwhelming, and at the election Clinton received 43,310 votes to only 1,479 for Peter B. Porter. The governor-elect was thus restored to the primacy which his defeat for the presidency seemed to have taken away from him, and the administration of the State became devoted and unreserved in pressing the construction of the canals.

Governor Clinton assumed his executive duties July 1, 1817, and on the national anniversary, three days later, he was present when ground was broken at Rome for the under-taking which for ten years he had vigorously pressed. His messages in succeeding years present the progress of the work. In 1819, the same year in which the first steamship to cross the ocean was built in New York, he looked forward to the improvement of the navigation of the Susquehanna, the Allegany, the Genesee, and the St. Lawrence; to a plan for connecting the lakes with the Mississippi; to a route from the Erie Canal by the Oswego River to Lake Ontario; and to a scheme, in union with Pennsylvania, to connect Seneca Lake with the Susquehanna. October 23, 1819, the canal between Utica and Rome was open to navigation, and November 24 boats passed through the Champlain Canal. In 1820 Governor Clinton notified the legislature that the navigation between Utica and the Seneca River had been in progress for four months, and he urged that measures be taken for completing the Erie Canal within three years.

In the preceding State election, Vice-President Tompkins, although a candidate and subsequently chosen for a second term to that position, became also a candidate for governor. The opponents of Governor Clinton were intent on his defeat, not on personal grounds only, but on the plea that he was an ally of the federalists, and still more that his canal policy was carrying the State forward to bankruptcy and ruin, and Tompkins' name was regarded as the strongest that could be presented. The opposition to Governor Clinton was led by Martin Van Buren and Tammany Hall, already a powerful organization; and as some of its members wore on certain occasions the tail of a deer in their hats, those who joined in this movement were styled "Bucktails." The contest was very bitter and close, Clinton receiving 47,447 votes to 45,990 for Tompkins, and animosities did not cease with the closing of the polls, while the legislature was favorable to Tompkins, and still had the choice of presidential electors.

In his message, Governor Clinton urged a change in the constitution, giving that choice to the people, while he referred to the charge current and hardly denied of the free use of the patronage of the national government to affect the recent election. His language was hypothetical, and as it gave rise to one of the most noted controversies in the State, it has become historic. He said: "The power of the general government has increased with the extension of its patronage. And if the officers under its appointment shall see fit, as an organized and disciplined corps, to interfere in the State elections, I trust there will be found a becoming disposition in the people to resist these alarming attempts upon the purity and independence of the local government. I have considered it my solemn duty to protest against these unwarrantable intrusions of extraneous influence, and I hope the national legislature will not be regardless of its duty on this occasion." Electors favorable to Monroe and Tompkins were chosen by the legislature, and they were duly elected for a second term. In the house of representatives, the New York rivalries were brought out in the organization in November, 1820, when, against the vigorous hostility of the party of the vice-president, John W. Taylor, of Saratoga county, was chosen speaker. At home the senate by resolution challenged the governor to produce proof of the interference of the officers of the national government in the recent election, "as an organized and disciplined corps," which Mr. Clinton promised at the next session. Peter R. Livingston, Samuel Young and Roger Skinner distinguished themselves by the acrimony of their assaults on Governor Clinton; and the first charged that "the ambitious executive of the State of New York, in his pride and arrogance, has brought himself to the very verge of treason against the government of the United States. He has attempted, in support of his deep-laid political plans, to sever the relations of allegiance and good feeling between the general government and the State of New York. He has insidiously attempted to separate one of the great States of the nation from the Union of States. And for what? Because many of the officials of the general government are opposed to his boundless schemes of personal ambition."

In January, 1821, the governor submitted incidents of the activity of State officers, with a mass of documents and a letter from Van Buren asking for the removal of postmasters, to "alarm" the Clintonians in office, and some changes were made on his demand. A joint committee did not find the proof sufficient to sustain his charges, and reported, in strange disregard of facts, "that the existence of any extraneous influence has never been observed in any of our elections."

The legislature chose Martin Van Buren United States senator; the council of appointment made haste to remove the friends of the governor from positions that could be reached; a majority of the canal commissioners was made up of his enemies; and so overwhelming was the adverse current that his intimate advisers notified him that he could not be reëlected in 1822, and he accordingly declined to be a candidate; whereupon Joseph C. Yates was chosen, with only scattering votes in favor of Solomon Southwick. Mr. Clinton's executive career seemed to be ended when, April 12, 1824, he was removed from the office of canal commissioner by a vote of twenty-one to three in the senate, and sixty-four to thirty-four in the assembly. The partisan trick was a surprise to the legislature, and it aroused a storm of indignation which produced a political revolution, and at the election the same year carried the intended victim back into the executive chair by 16,359 majority over Samuel Young, one of his most virulent assailants. He was therefore governor when, October 26, 1825, the waters of Lake Erie were let into the canal, and navigation was open from the lake to the Hudson. The popular jubilation extended from New York to Albany and along the route to Buffalo; cannon, banners, fêtes, balls, addresses, medals, gave expression to the joy, in which party strife was forgotten, and the dawn of a new era was greeted.

Work properly chargeable to construction was continued on the Erie Canal until 1836, and the entire cost proved to be $7,143,789. In the completed canal, boats could be used a little more than seventy-eight feet long by fourteen and a half feet wide, with a draft of three and a half feet, and of seventy-five tons burden. The great benefits accruing led to a movement for enlargement, which was successful in securing legislation for beginning operations, in the act of May 11, 1835.

For years the policy of enlargement was the occasion of conflict. Plans were proposed for the expenditure of $40,000,000. In 1842, so general was the charge of extravagance and waste, that the work was stopped and the settlement of all contracts ordered ; and by the constitution of 1846, payments were required from the canal revenues for a general sinking fund and the support of the government, in addition to obligations incurred for the public works, while the legislature was limited in the creation of any new debt. In 1847 the enlargement was begun again and pressed, not without opposition, to completion in 1862. The enlargement cost more than six times as much as the original work, and brought the outlay for the Erie Canal up to $52,491,915.74. Vast as this sum is, it is claimed that it has been repaid to the State by the canal, with an excess of $42,000,000 in addition to cost of superintendence and repairs.

The engineers, by the enlargement, reduced the lockage on the whole canal by twenty-one feet, and the number of locks by eleven, while their length was increased by twenty feet. The prism was widened to seventy feet at the top and fifty-six feet at the bottom, with a depth of seven feet; and the boats were allowed a length of ninety-eight feet, with a width of seventeen and a half feet, and a draft of six and a half feet. The greatest amount of tolls collected on all the canals of the State was in 1862, $5,188,943, and the maximum value of all merchandise carried was $305,301,920 in 1868, and the maximum tonnage was 6,673,370 in 1872.

The average tolls per ton, which were in 1839 $1.12, were reduced to $1.06 in 1850, to 64 cents in 1860, to 42 cents in 1870, to 24 cents in 1880, and in 1882, the last year before they were abolished, they were only 12 cents. In the mean time the boats on the Erie Canal were increased in size. They averaged 64 tons burden in 1844, and first passed 100 tons in 1854, when they measured 105 tons. In 1866 they averaged 154 tons, and in 1880 reached 212 tons, falling to 166 tons in 1884. The cost of transportation between New York and Buffalo has been reduced in a geometrical ratio. From Albany to Buffalo, before the canal was built, the charge for freight was, along the Mohawk, 15 cents a ton per mile, and where rivers offered no competition to land carriage, 50 cents, making an average of more than 25 cents a ton per mile, or for 352 miles $88. In 1824, with the canal only in part in use, it fell to 6.1 cents a ton per mile, or $21.47 for the whole distance. By 1833 the rate per ton per mile was reduced to 3.84 cents, and in 1835 to 1.83 cents. By 1850 it was 1.7 cents, and by 1860, 1 cent a ton per mile, or $3.52 per ton between Albany and Buffalo. The rates fell to 74 mills per ton per mile in 1870, to 42.9 mills in 1880, and in 1884 to 27.7 mills. The rates in 1850 are those fairly to be credited to the Erie Canal, for the full effects of railroad competition had not then come into play. The reduction in twenty-six years, from before the opening of that great waterway to that date, was, between Buffalo and Albany, from $88 to $5.98 per ton; and on the tonnage of 1850, which was 3,076,617, the saving on the canal alone, assuming that so much freight could possibly have been moved under the old methods, was over $252,000,000 for the single year. Since that period the competition of the canal and the railroads has been reflex. Comparing 1860 with subsequent years, the cost of transporting wheat per ton from Buffalo to New York by water has fallen from $4.98 at that date to $3.74 in 1870, to $2.17 in 1882, and since tolls have been abolished, to $1.57 in 1885. The influence of the Erie Canal in bringing about this change was at the outset controlling, and it has been great at all times.

In his message in January, 1825, Governor Clinton, announcing the approaching completion of the Erie Canal, marked out a comprehensive system of additional internal improvements, including not only lateral canals, but a road through the southern tier of counties. The State after some years adopted his policy, and built the Oswego, the Cayuga and Seneca, the Crooked Lake, the Chemung, the Chenango, the Black River, the Genesee Valley Canals, and the Oneida Lake Canal, with feeders essential to the system of navigation, while State aid was given to the Delaware and Hudson Canal. These were completed at various dates from 1831 to 1850. The total cost was $27,554,422. The Delaware and Hudson continues to be operated by a private corporation; and the Black River, the Oswego, and the Cayuga and Seneca Lake Canals remain in use by the State, with the Erie and the Champlain Canals. The other laterals, after serving a temporary purpose, gave way before the competition of railroads and have been abandoned. Under like competition, the people in 1882 voted, 486,105 to 163,151, for the abolition of all tolls; and since that time the canals of the commonwealth have been wholly free, and serve as a regulator of the rates of transportation, although the tonnage has fallen to about 5,000,000 a year.

The canals became an important factor in politics. At various periods they divided parties, and made and marred reputations. The controversy of 1842, and for a few subsequent years, serves as an illustration. Michael Hoffman, in the assembly, and Azariah C. Flagg as comptroller, took strong grounds against the expenditure incurred, and opposed the creation of any debts. Horatio Seymour, in 1844, as chairman of the committee on canals, insisted on the prosecution of the enlargement of the Erie and the construction of the Black River and Genesee Valley Canals, and glowingly portrayed the benefits. He found his predictions more than verified when he came, forty years later, to advocate the abolition of all tolls. In 1851, so intense was the hostility of one wing of the democratic party to the measures proposed for prosecuting the canal enlargement, that fourteen senators resigned to break the quorum necessary for their passage, but the people at a special election sustained the canal policy by large majorities.

Grave scandals grew out of the letting of contracts under various administrations to speculators and politicians who had no knowledge of such work, and at wasteful prices, under circumstances prompting suspicion of collusion and corruption. With reference to the repairs, which on such vast works honestly involved large outlay and were easily exaggerated immensely, conspiracy has been charged with circumstance and detail, and the "canal ring" has earned odium and led to repeated investigation. But the legislature was in the habit of legalizing the heavy expenditures, and the sole punishment meted out for the offenses has been that of public opinion. In September, 1885, a debt of $8,339,100 remained from the outlay for the canal, against which stood a sinking fund of $4,663,188.61, so that the whole amount will be easily paid when it matures in 1893.

The objection to the heavy expenditures on the Erie Canal, and afterwards on the laterals, was strong from the counties remote from their line. To meet this objection a project for a State highway in the southern counties was proposed, which gave way to a plan for State aid to the New York and Erie Railroad; and in 1836 $3,000,000 was loaned to that company, which has never been repaid. To the Canajoharie and Catskill Railroad, and to the Hudson and Berkshire Railroad, smaller sums were also loaned and lost; and of $500,000 so loaned to the Ithaca and Oswego Railroad, $315,700 was never repaid. Moneys were lent to five other railroads to aid in their construction, and in due time returned to the State treasury. In later years, railroads have been aided by exemption of their bonds from taxation for a period, and by subscriptions by towns and cities to their stock.

Sanguine as were the hopes of the projectors of the canal policy, they were exceeded by the reality. Immigrants at once chose homes where access was rendered so easy. Farm products increased in value, so that wheat in the Seneca country, where it was the chief crop, advanced fifty per cent. in price in 1825. Factories were built where water-power could be found, because the cost of transportation was so much reduced. Land, therefore, became more valuable in the remote districts, while to Albany and to New York especially the advantages of increased trade outran the most liberal calculations. The canals, which so many threatened would be sources of disaster, actually added in the early years to the revenues of the commonwealth, while they enriched the people. The population, already in 1820 the largest of any State, became, in 1830, 1,918,608, fifty per cent. more than Virginia, three times that of Massachusetts, and forty-two per cent. more than Pennsylvania. In numbers the primacy was undoubted and permanent. In wealth the increase was no less, was doubtless greater, although definite statistics for that period were not accurately recorded. That this growth was due in very large part to the canals, is proved from the fact that villages sprang up along their lines, and industry became there much diversified, while in the outlying counties such development was much less rapid. Far beyond the lines of the commonwealth the benefits were extended. The facilities for travel afforded, gave new attractions to the rich lands of Ohio and the Northwest; and immigrants and traffic turned along the pathways where, by the addition of all modern devices and machinery, so much of the wealth and activity, not only of the Union, but of the world as well, now moves to and fro.

For years packets were run on the Erie Canal with comfortable accommodations, making such speed as three or four horses driven tandem could give, sometimes six miles an hour, carrying travelers for pleasure as well as for business. Freight was transported less rapidly, but at rates steadily falling. A trip by packet survives in the memory of many as a pleasurable gliding between banks of beauty, sometimes romantic, presenting constant change of scene, with berths at night enclosed in curtains in the single cabin, and quite as comfortable as, if less swift, than a journey in the modern palace cars.

CHAPTER XXXI.

PROGRESS OF EDUCATION.

THE ease of access to Yale College and the College of New Jersey in the earliest days gave to them a large number of students from New York, and to that extent diminished the disposition to establish higher institutions within this State. The liberal and patriotic teachings of Yale were especially in accord with the views of the patriots, and that college became the nursery of many of our early statesmen while King's College was under tory control. New Haven has continued to draw pupils from the State beyond any local college, while Princeton has depended very largely for benefactions, and in only less degree for students, on the chief city, and in later years the younger colleges of New England have rarely been without New York names on their catalogues. Advantages doubtless accrue, but the practice checked the planting and the growth of local institutions of the highest order. The State now contains eighteen colleges for young men, six for young women, and four to which both sexes are admitted. One of the youngest, and the largest and richest, is Cornell University, founded in 1868. Of schools of science there are seven, of theology thirteen, of law four, and of medicine fourteen. In these institutions in 1885 the instructors numbered 785, their property was valued at $23,164,602, and the annual expenditure was $1,787,391. The number of pupils in the colleges was 8,592, in the law schools 487, and in the medical schools 2,566.

Incorporated academies were not of rapid growth; from eight in 1800 they were multiplied to thirty in 1820, to fifty-five in 1830, and to one hundred and twenty-seven in 1840. In the latter year the attendance was 10,881, and 37,043 in 1885, while, including the academic departments of union schools, the number of institutions was two hundred and eighty-three.

Normal schools, designed primarily to train teachers for the common schools, have trenched upon the field of the academies. The first Normal school was opened in Albany in 1844, and others have followed, at Oswego in 1861; at Brockport in 1867; at Cortland, Fredonia, and Potsdam in 1869; and at Geneseo and Buffalo in 1871. The attendance in them in 1885 reached 5,039; while teachers' classes, including 2,348 pupils, were taught in one hundred and forty-three other institutions. In the private schools of the State, in the same year, the number of pupils of all grades was 124,816.

Reformatories, and industrial and mission schools, are maintained in various parts of the State, the former in part by appropriations by the legislature, and in nearly all the cities much care and labor and liberality are turned in this direction.

The great work of education depends upon the common schools, in which, in 1885, 31,399 teachers gave instruction in 11,912 schoolhouses to 1,024,845 pupils, for an average of thirty-three and one-half weeks.

The system dates back in a crude form to 1633, during the early Dutch sway. In 1789 two lots were set apart in each township by the legislature for educational purposes. In 1795 the sum of $50,000 annually for five years was appropriated to maintain schools for such branches as are most necessary to complete a good English education, while the boards of supervisors were required to raise by tax one-half of the local share of this sum for like purposes. Only sixteen of the twenty-three counties took the benefit of the law, and in 1798 1,352 schools were in operation with 59,660 pupils. The law expired by its terms in 1800, and in that year four successive lotteries were authorized to raise $100,000, of which one-eighth was to be distributed by the regents of the university among the academies, and seven-eighths used for the common schools. These measures were fitful and without enlarged system.

In 1805 two steps, which led to great and permanent improvement, were taken. The first was the foundation, with DeWitt Clinton for president, of "The Society for Establishing a Free School in the City of New York," upon the basis of individual subscriptions, to which the legislature added moderate help; and the second was an appeal from Governor Lewis for the gift of the lands of the State, then amounting to 1,500,000 acres, for schools, resulting in the passage of an act, April 2, 1805, for the sale of 500,000 acres and the assignment of the proceeds for a fund, of which the interest, when reaching $50,000, should be distributed among the common schools. To this beginning the legislature, in 1811, gave more definite value by appointing a commission of five, with Jedediah Peck of Otsego at its head, to report a plan of organization, under which, in 1813, Gideon Hawley of Albany was appointed State superintendent of common schools. The next year an act was passed, less commendable in its methods than its ends, attributed to the efforts of Rev. Dr. Nott, president of Union College, for giving to that institution $200,000, to be raised by lotteries; and in order to gain votes in the legislature, smaller sums were appropriated to Columbia and Hamilton Colleges, to an African church, to the Historical Society, to the College of Physicians and Surgeons in the western district, and to the Medical College in New York. It was the first of a series of "log-rolling" operations by which money was for a number of years voted to colleges and to academies.

More useful and more moral was the remodeling of the common-school system, according to the recommendations of Superintendent Hawley, with a provision allowing the remission of tuition in deserving cases by the trustees, on consent of the voters of the school district concerned. Mr. Hawley's report in 1818 claimed over 5,000 schools organized, with more than 200,000 pupils in attendance for a period of from four to six months, and other authorities commend the efficiency of his administration. His advice was followed in the succeeding year in legislation for improving the school system; but in 1821 the politicians wanted his office, and he was removed by the council to make room for his clerk, who had no fitness for the superintendent's place; whereupon the legislature, to rebuke the outrage, transferred the schools to the care of the secretary of state, under whom, after 1841, general deputies were designated to look after them. In 1854 the legislature recognized the need of a separate department of public instruction; and since that date its superintendent has been practically the executive head of our common-school system, and of our Indian schools, while he has had important duties in relation to other educational institutions.

Much was hoped, more than has been attained, from a plan adopted by the legislature, April 13, 1835, for the establishment of libraries in the several school districts. In some of the cities, libraries have to some extent been encouraged, but in the rural districts not much was ever achieved, and of late years the money has been more and more diverted from the purchase of books to the payment of teachers' wages. The sum appropriated by the State was for a great while $55,000 annually; it is now $50,000. The number of volumes in all the district libraries, which was 1,604,210 in 1853, fell to 732,876 in 1885, and the loss shows how little care is given for the books possessed, while less desire is indicated for the extension of the libraries.

The question of religious instruction in the common schools became the subject of active discussion in 1838 and the following years.

John A. Dix as secretary of state, charged with supervision of the schools, advocated such instruction based on the Bible without note or comment. William H. Seward, in his message as governor, in January, 1841, urged the "education of all the children of the commonwealth in morality and virtue, leaving matters of conscience where, according to the principles of civil and religious liberty established by our constitution and laws, they rightfully belong;" and John C. Spencer, as secretary of state, in a report on petitions asking for more full provision in New York city for the children of foreigners and Catholics, recommended the election of a board of commissioners to coöperate with existing authorities to that end, but his suggestions were not followed; neither did the legislature accept Governor Seward's elaborate argument submitted in his next message, in favor of a distribution of school moneys in New York city between Protestants and Catholics.

Except the establishment of the Normal school in Albany, little change was made in the educational policy of the State until 1849. In 1848, Nathaniel S. Benton reported that many cities and villages, by voting to remit tuition, had made their schools free, and he urged that the State should render the system uniform. His successor, Christopher Morgan, argued the imperative duty of the State to educate all its children as a preventive of crime and pauperism; and March 26, 1849, an act was passed submitting to the people at the ensuing election a proposition for free schools, supported by the existing funds and by taxation, to be kept for at least four months in each year, for all children between the ages of five and twenty-one. Every county except Tompkins, Chenango, Cortland and Otsego, gave for the policy majorities aggregating 158,000. Difficulties in the administration of the law caused demand for its repeal; and when that question was submitted to the people in November, 1850, forty-two counties voted for repeal, and seventeen counties voted for sustaining free schools, and showed a majority in their favor of about 25,000. Under pledges made during the canvass, the details of the law were modified by the legislature, especially those which related to the raising and distribution of school moneys and to the retaining of rate bills; but legislation soon followed providing for free and union schools in the cities and villages and chief towns, and in 1867 all the common and normal schools, and the departments in academies for the instruction of common-school teachers, were declared absolutely free. The total expenditure for the common schools of the State was, in 1885, $13,466,367.97.

The efficiency of these schools varies. In the cities they generally are liberally supported, in commodious structures, with teachers of fair and often of eminent qualifications. The union schools in many of the towns are well equipped, and provide thorough education in the branches which they take up. In the rural districts, much room for improvement exists. Commissioners are chosen, numbering one hundred and six, who have each oversight of several towns or of the smaller counties, and much depends on their knowledge and fidelity. Only constant care and watchfulness can keep the schoolhouses in condition, or render them suitable for their uses. The teachers are frequently changed, often coming from the normal school or academy, as an episode before marriage or entering a profession. Teachers' institutes are enlisted for training the inexperienced, and developing interest in education and in the best methods. The State can hardly be blamed if the schools fail fully to meet the demands upon them, for its system is in theory admirable. With the regents of the university as a superior power, with a State superintendent, commissioners in districts of several towns, and in cities, and with vast expenditure of money, any lack must be in the zeal and fidelity and persistence of these officers, and in the attention of the people to a matter so vital to the individual and to society.

A State library was founded at the capital by act of April 21, 1818, and it has, under the fostering care of the regents and the liberality of the legislature, grown to creditable proportions. In New York city the libraries established and maintained by private munificence are among its chief adornments. Elsewhere in the State the foundations of libraries have been laid; and the several colleges, notably Cornell University, are gathering collections from which scholars may derive much hope.

In the earlier days, the incoming missionaries and the churches gave an impetus to schools and to educational influences. The interior of New York became noted for its zeal in revivals and its religious activity. If there was less of extravagance than in some other parts of the country, the orderliness was due to the character of the people. The growth of churches kept equal pace with the increase in the population. By reason of the surprising advance of the settlements, the State was, in the first third of this century, an attractive field to the most promising graduates of the Eastern colleges, and to the strong minds that in various branches of the church were planning for their extension. Every new method in religion, every new suggestion in theology, found hospitable reception. Some remarkable men were developed by this religious activity, and contributed to it. A prominent figure in central New York, in the years succeeding 1824, was Rev. Charles G. Finney, born in Connecticut, but brought at the age of two years to Oneida county, and thence to Jefferson county. He was of strong natural talents, without thorough education, but with the zeal and aggressive force which command attention. He became a Presbyterian clergyman, and strenuously insisted on the "voluntary total depravity of the unregenerate," and invited converts to the "anxious seat." His "revivals" stirred up society, and led to discussion within his own denomination, for his language and theology and methods were not approved by many conservative clergymen. He and other revivalists who followed him were, however, a power in awakening thought and marking their era.

A vagary not born of the soil, but imported from Connecticut, was developed by John Humphrey Noyes, who in 1847 established the Oneida Community, near Oneida, and gave it a world-wide reputation. He claimed to restore the communism of the Bible in property and between the sexes, and maintained an institution in which its members were thrifty and orderly after their way, but shocked their neighbors by open advocacy and practice of their peculiar morality. The association in 1881 abandoned its practices relative to the sexes, and became simply a corporation for business purposes.

The pulpit of New York, not of its chief cities only, but of the interior in remarkable degree, has in all denominations been a type of the progress and education of the people. The record of the State's religious activity, of its culture and development, of its charities at home and abroad, of its benevolent institutions, and its private gifts for public uses, has never been fully written, while these labors are expanding constantly in their dimensions and in their efficiency.

CHAPTER XXXII.

CONSTITUTIONS AND JURISPRUDENCE.

1821–1874.

The first constitution of New York was in many respects a remarkable document, and was found to serve its purposes for forty-four years. The provision relative to a council of revision and appointment was the subject of criticism, but was deliberately sustained by the convention of 1801. In the ensuing twenty years this council became the arena of sharp faction fights, and removals and appointments were made in accordance with or over the wishes of the governor, as the balance of power happened to turn. The members were chosen from the senate by the assembly upon the nomination of the assemblymen of the dominant party in each senatorial district. The body, as the source of patronage remorselessly used for partisan advantage, was a machine of vast power, and with only a divided responsibility. Governor Clinton had used this power while he commanded the majority, but before 1820 it was turned against him. This feature, and a desire to reconstruct the judiciary, led to a movement, for some time under discussion, for a constitutional convention; and at a special election in April, 1821, 109,346 votes were cast for holding a convention to 34,901 against it. This convention, which sat from August 28 to November 10 of that year, had Daniel D. Tompkins for its chairman, and included a goodly representation of the men of experience in politics, and of ability and standing in the professions and civil life. Martin Van Buren, who represented Otsego county in part, was diligent and influential; Ambrose Spencer, of Albany, took large share in the proceedings, but finally did not sign the constitution, nor did Chancellor James Kent. Peter A. Jay, of Westchester, and Ezekiel Bacon and Nathan Williams, of Oneida, impressed themselves on the convention; and not a few others earned reputation for prudence and practical understanding.

The right of suffrage, the judiciary system, the council, and the powers of the governor, were the chief topics of consideration. The agreement was general that a council to revise acts passed by both houses should no longer exist, and instead the veto was given to the governor only after considerable debate. A council for appointment had no advocates; the choice of certain officers was given to the legislature on separate nomination in the two houses, with joint ballot in case of disagreement; while others were to be appointed by the governor, by and with the advice and consent of the senate. Sheriffs and county clerks, who had been appointed by the council at Albany and were thus chosen the chiefs of political action in their localities, were made elective by the people, and ceased to be factors in State patronage. The policy then adopted has ever since been maintained and extended, several State offices having since been filled by popular election instead of by the legislature. The abolition of the council and the enlargement of the executive authority were in the direction of simplicity and concentration of responsibility. The term of the governor was changed from three to two years, after full deliberation over motions for one year and three years respectively. After an experience of half a century, this term was changed to three years again by a constitutional amendment adopted by vote of the people November, 1874. The senatorial districts were increased from four to eight, with four senators from each; and the assembly was placed at one hundred and twenty-eight members. The number in each house of the legislature has not since been changed, much as the population has increased.

Over the question of suffrage the debate was varied and prolonged. Slavery had been abolished by statutes, first, declaring all persons free born after July 4, 1799; and second, by a declaration adopted in 1817, on the recommendation of Governor Tompkins, that all the inhabitants of New York should be free after July 4, 1827. The prejudice of color was still strong, and while, up to 1821, no distinction in suffrage was made on account of color, then the ballot, although given to all other males who were residents and paid taxes or were legally exempt, or who served in the militia or as firemen, was denied to colored men who were not owners of land to the value of $250. In 1846 all property qualification was abolished for whites; but only 85,306 voters declared for equal suffrage to colored men, while 223,834 pronounced against it. A negative was again rendered in 1860, 197,505 to 337,934, at the height of the anti-slavery agitation. In 1869, 282,403 electors insisted on the property qualification for colored persons, while 249,802 cast their ballots against it. This vestige of prejudice disappeared only under the fifteenth amendment to the national constitution in 1870. Upon that amendment the action of the State was contradictory. After giving the assent of New York in 1869, by a vote of seventeen to fifteen in the senate and seventy-two to forty-seven in the assembly, the legislature, by a change in the political majority in January, 1870, was induced to pass resolutions by which it " withdrew absolutely any expression of consent theretofore given." President Grant and the secretary of state in Washington, however, did not recognize this recantation, and the former in a message to congress declared the amendment adopted, while the latter, in his proclamation of March 30, 1870, included New York among the States joining in the ratification. In 1872 the resolution "purporting to withdraw the assent of the people of the State, previously given, to the fifteenth amendment to the federal constitution," was formally rescinded; and that was the final declaration of New York in favor of equal rights at the polls, regardless of color.

The convention of 1821 retained the curiously constructed court for the correction of errors; reduced the supreme court to a chief justice and two assistant justices, with a right of appeal to the first-mentioned tribunal, and established circuit courts in eight districts, with judges in each; gave the chancellor an assistant, and jurisdiction of equity cases, while the minor courts were left unchanged. The judicial officers were appointed by the governor.

The constitution as amended was adopted by the people in February, 1822. During the twenty-five years of its existence, ten different proposals for amendments were submitted to the electors, who decided against choosing presidential electors by districts, but in favor of extending the franchise, in favor of electing mayors by the people, and in 1846 for no license except in the city of New York.

The commonwealth grew not only in population, but in all the elements of progress and prosperity and power, and by the census of 1845 was shown to contain 2,604,495 inhabitants. Legislation had tended to the substitution of rights for privileges granted as favors. The tenure of land, especially under the claims of the patroons, had caused difficulties for which remedies were sought; and the large expenditures for internal improvements, involving heavy indebtedness, prompted demands for safeguards for the creditor and the taxpayer. The judiciary system had confessedly become inadequate, and required radical reformation. When, therefore, in 1845, the electors were called upon to decide whether a convention should be held to amend the State constitution, 213,257 voted in the affirmative, against 33,860 in the negative. The convention met June 1, 1846, but soon adjourned until October 9, when it proceeded with its task. John Tracy of Chenango presided; and among the members were Ira Harris of Albany, George W. Patterson of Chautauqua, Michael Hoffman and Arphaxed Loomis of Herkimer, Samuel J. Tilden of New York, Samuel Nelson of Otsego, and others eminent at home and in State affairs. The convention dealt radically with the principles of government. The new constitution gave to the people the election of many officers before appointed at Albany. It provided for the election of members of both houses of the legislature by separate districts. Instead of the cumbrous court for the correction of errors, it established an independent court of appeals. It abolished the court of chancery and the circuit courts, and merged both into the supreme court, and defined the jurisdiction of county courts. All judges were to be elected by the people. Feudal tenures were abolished, and no leases on agricultural lands for a longer period than twelve years were to be valid, if any rent or service were reserved. The financial articles established sinking funds for both the canal and general fund debt, forbade the loan of the credit of the State, and limited rigidly the power of the legislature to create debts, except to repel invasion or suppress insurrection, and declared the school and literature funds inviolate. Provision was made for general laws for the formation of corporations. The constitution required the submission to the people once every twenty years of the question whether a convention shall be called or not.

The excellence of the work of the convention of 1846 is proved by the fact that, adopted by the people by a majority of more than two to one, it still stands as the basis of our fundamental law. Amendments have been introduced by popular vote, but a proposition for a new convention was rejected in 1858; and although a convention was ordered in 1866, the constitution recommended by it was rejected, 223,935 to 290,456, and only its judiciary article was accepted. That convention assembled June 4, 1867, and its sessions were not closed until February 28, 1868. William A. Wheeler, afterwards vice-president of the United States, presided; and it contained thirty-two delegates at large, chosen equally from the two parties, and including many of their most distinguished representatives, while the remaining members, elected by senatorial districts, were selected with a view to the best talent and experience. The judiciary article made changes in the composition of the court of appeals, and established for three years a commission of appeals; it also gave the legislature authority to fix departments for the supreme court. The article was carried by only a small majority. Among amendments subsequently submitted, was a proposition in 1873 for the appointment of judges by the governor instead of their election by the people, and the voters pronounced in the negative by a majority exceeding a hundred thousand.

In 1872 the legislature empowered Governor Hoffman to appoint four persons from each judicial district to form a commission to propose amendments to the constitution. Robert H. Pruyn of Albany was chosen chairman, and the commission sat from December 4, 1872, to March 15, 1873. The legislature disapproved of a recommendation for the appointment by the governor and senate of certain State officers. Amendments were agreed upon, and submitted to the people in 1874, relating to suffrage and bribery, to official corruption, to the powers of the legislature and of the executive, and to finances and the canals. More rigid restrictions were established relative to grants to corporations, and to the ability of local authorities to spend money and create obligations, while the principle of general legislation in the place of special legislation was further extended. In

1876 amendments were adopted by the people giving to the governor and senate the appointment of the superintendents of public works and of State prisons.

The constitution of New York has thus been a growth and a development. Male suffrage has become universal; and the legislature, representing in both houses the entire people, is restricted in the bestowal of privileges and the creation of debts. The executive power is well defined, extending to a veto over legislation, and to the appointment, by and with the advice of the senate, of a limited number of officers. The judiciary system is graded from the justices of the peace and the county and surrogate's courts to the supreme court in circuit and general term, and the final tribunal, the court of appeals. Town, city, and county authorities have spheres which are plainly bounded. All power is derived from the people, who act in the mode established by themselves in the constitution.

The statutes of the commonwealth have generally embodied, as did those of the colony, the spirit of toleration, of stability with progress, of liberty and security. A striking exception was the law passed July 31, 1700, while England was agitated over the plots of the Stuarts, by which "every Jesuit and seminary priest, missionary, or other spiritual or ecclesiastical person," ordained by or deriving "any authority from the Pope of Rome," was required to depart from the colony; and if he remained and acted as such he was to suffer perpetual imprisonment, and in case of escape from prison and recapture he was to "suffer the pains of death." While this law was not formally repealed until July 20, 1784, although practically cancelled by the adoption of the State constitution, it was certainly, after the earlier years, a nullity, for the people were hospitable to all creeds and churches.

On the recommendation of congress, New York took steps to join with the other middle States and New England in a combination, by the acts of their legislatures, "to regulate the wages of mechanics and laborers, the prices of goods and commodities, and the charges of innholders." The law of New York was passed April 3, 1778, and was a war measure. But the combination failed, and October 28 of the same year the act was repealed, with the declaration that "it had not answered the salutary purposes for which it was intended, by reason of the neglect or refusal of some of the other United States to pass similar laws."

The attempt to "carry into execution a general limitation of prices," by joint action of the several legislatures, was again recommended by congress, and New York loyally responded by an act passed February 26, 1780. The rates are all those of a war standard and of paper money, but even as such they may well be studied, as an index of the condition of the country, and of one phase of its legislation. Some of the prices are thus given:

It is hereby enacted that all articles of domestic produce, farming and common labor, the wages of tradesmen and mechanics, shall not exceed the following rates, viz.: Good merchantable wheat, twenty dollars per bushel; peas and white beans, twenty dollars per bushel; good merchantable wheat flour, fifty-six dollars per hundred, gross weight; good merchantable rye, thirteen dollars per bushel; good merchantable Indian corn, eleven dollars per bushel; good merchantable buckwheat, eight dollars per bushel; good merchantable oats, seven dollars per bushel; pork, well fatted, eighty-nine dollars per neat hundred weight, and in the same proportion for a greater or lesser quantity; best grass-fed beef, six shillings per pound; best stall-fed beef, in the month of January seven shillings per pound, in the month of February eight shillings per pound, in the month of March nine shillings per pound, in the month of April ten shillings per pound, in the month of May eleven shillings per pound, in the month of June twelve shillings per pound; good butter, by the firkin or cask, eighteen shillings per pound; good fresh butter by the small quantity, twenty-one shillings per pound; American cheese of the best quality, twelve shillings per pound; rendered tallow, sixteen shillings per pound; rendered hog's lard, twelve shillings per pound; raw hides, seven shillings per pound; sole-leather, four dollars per pound, and all kinds of curried leather not to exceed twenty fold of the price thereof in the year one thousand seven hundred and seventy-four.

The act also fixed the prices to be paid for manufactured articles, for transportation, for labor of all kinds, and the rates which innkeepers might charge for entertainment and for liquors.

This statute is hardly a type of the laws of New York. It was enacted in direct response to the recommendation of congress, and serves to show the loyalty of the State rather than the judgment of its own people of the sphere of law even in time of war. The legislature took the precaution to provide that it should not take effect until the governor should issue his proclamation, that Massachusetts, Connecticut, and Pennsylvania had passed acts of the same purport. Those States never took such action, and this act therefore never went into effect.

The progress of legislation may be traced in the treatment of banking. From the organization of the State until 1838, special charters were required for banks, and these were awarded as matter of favor to politicians. By the constitution of 1821, such charters could only be granted by the assent of two-thirds of the members of both branches of the legislature, instead of a simple majority, as before; and the additional restriction tended to aggravate the evils of the system. A safety-fund was established in 1829, and each bank contributed a percentage to guarantee the payment of the debts of any of the banking institutions; the plan, owing to defects of detail, was only partially successful. The stock of these banks was, as previously, distributed as a matter of favoritism. The principle of restriction was rigidly enforced, and by restraining acts, associations other than those duly chartered were forbidden to receive deposits or transact a banking business; and later, individuals were forbidden to engage in such transactions, and "currency in the similitude of bank-notes" was prohibited except such as was issued by the chartered banks. Their monopoly was complete until the free banking system was established, April 13, 1838, under which associations were authorized with provisions equal for all, and the business ceased to be the privilege of the few, and franchises were open for all citizens alike. The constitution of 1846 embodied the principle that no special charter should be granted for banking purposes, but that such corporations should be organized only under general laws. The same movement from favoritism by legislation to equal rights and privileges for all citizens, has taken place with reference to other classes of corporations, and may be taken as an expression of the spirit of the jurisprudence of the commonwealth.

That spirit well deserves to be studied in the general current and volume of the statutes, and in the progress which a century has recorded. The laws of New York, as they stand, are in large part the product of the jurists who have made its name illustrious. They were put into system and symmetry by the early revisers. James Kent and Jacob Radcliff began the work of revision, and published the result of their labors in 1802, and at not distant intervals the statutes have been repeatedly revised, often by some of the best minds at the bar. The decisions of the courts have expounded and harmonized the laws and their application, and sometimes have led to important legislation. Thus our statute books embody whatever has elsewhere been developed as wise and efficacious in securing the rights of person and property, with order and security, and liberal care for charities and education.

The court of chancery in its palmy days, the court of appeals and the supreme court, have been adorned by talent and character, inviting comparison with any tribunals known among men. Chancellors R. R. Livingston and James Kent, Chief Justices William Smith, Lewis Morris, John Jay, John Savage, Greene C. Bronson and Samuel Beardsley, and Associate Justices Hiram Denio, Alexander S. Johnson, also on the bench of the United States circuit court, and Ward Hunt, who became a judge of the supreme court of the United States, are authors of decisions that adorn legal literature; while justices of the general term and of the circuits, in later years, do not suffer the dignity and learning and efficiency of the bench to fall from its high standard. Under such influences, the bar of the commonwealth ought to exemplify, as it has always done, the highest qualities of intellect, discipline, and eloquence.

CHAPTER XXXIII.

POLITICAL AFFAIRS, AND CHIEFS IN THEM.

1825–1846.

The completion of the Erie Canal, and its early financial success, lifted DeWitt Clinton to the summit of power within the State. Daniel D. Tompkins retired from the vice-presidency in March, 1825, and died June 11 next, broken in habits and clouded in reputation on account of troubles growing out of his transactions for the State during the war, upon which the comptroller made him a debtor for $110,000, although long after, he was shown to be a creditor for $92,000. As his successor in leading the opposition to Clinton, Martin Van Buren had risen. He had served from 1812 to 1820 in the State senate, and in the convention of 1821 he had been the champion of radical democracy; he was chosen United States senator the same year, serving by reëlection until 1829. His active supporters were the men who were known as the "Albany regency," and who long governed the democratic party. In

1824 Mr. Van Buren was active in intrigues against William H. Crawford, the democratic candidate for president, and shrewd politicians then and afterward argued that the conduct of New York democrats led to his defeat. Mr. Crawford's friends were in the minority in the legislature, and an agreement was made by the majority to divide the electors between Adams and Clay. When the choice was made, however, Adams secured thirty-two electors and Crawford four. By this breach of faith towards him, Clay failed to be among the highest three candidates, and so his name could not be taken before the house of representatives, which, in consequence, elected John Quincy Adams president.

Parties were in a chaotic condition in the State at this time. A "people's party" arose in 1824, that finally supported Clinton for governor; but the Clintonians still maintained a separate existence, while the "bucktails" and "Albany regency" were organizing the democrats, and the federalists remained at least as a ghost to conjure against. Opinions relative to the canals, and the benefits to be secured by localities, affected political action. Clinton held that, since the public works increased the general wealth of the State, they were a good investment; while others argued that, unless their revenues met expenditures and interest on their account, they should be treated as burdens, or even as evils. The situation was still further aggravated by an episode in politics peculiar to New York. The society of free-masons included a large number of the foremost citizens in all walks of life, and the belief existed that they used their secret ties to advance their ambitions. So intelligent a writer as Jabez D. Hammond, in his "Political History," declares "that a majority of persons holding official positions in the State were masons. Legislative, judicial, and executive officers — from presidents and governors to deputy marshals and constables; from judges of the supreme court to justices of the peace; and from the grave and reverend senator to the town-meeting orator — were, I religiously believe, solemnly pledged to perform the obligations and keep the secrets of masonry." This belief was used to create prejudice among those who were not members, and it added fuel to the fires of faction.

At this juncture, September 11, 1826, William Morgan, of Batavia, a free-mason, who had announced his intention to print a pamphlet exposing the secrets of masonry, was arrested on a charge of larceny, made by the master of a masonic lodge, but found not guilty, and then arrested for debt, and imprisoned in jail at

Canandaigua. He was taken secretly from that jail and conveyed to Fort Niagara, where he was kept until September, when he disappeared. The masons were charged with his abduction, and a body found in the Niagara River was produced as proof that he was drowned to put him out of the way. Thurlow Weed, then an editor in Rochester, was aggressive in charging that Morgan was murdered by the masons, and as late as 1882 he published an affidavit rehearsing a confession made to him by John Whitney, that the drowning was in fact perpetrated by himself and four other persons whom he named, after a conference in a masonic lodge. In 1827 Weed, who was active in identifying the drowned body, was charged with mutilating it to make it resemble Morgan, and the imputation was often repeated; and the abduction and murder were in turn laid at the door of the anti-masons. The disappearance became the chief topic of partisan discussion. DeWitt Clinton was one of the highest officers in the masonic order, and it was alleged that he commanded that Morgan's book should be "suppressed at all hazards," thus instigating the murder; but the slander was soon exposed. The State was flooded with volumes portraying masonry as a monstrous conspiracy, and the literature of the period was as harrowing as a series of sensational novels.

Clinton was no longer to ask for the suffrages of the people. Still governor under the election of 1826, he was talked about as a candidate for president, but refused to allow his name to be used, and to the surprise of the friends of President Adams, who had invited him to be his secretary of state, gave his influence to the nomination of Andrew Jackson. By the death of DeWitt Clinton, February 11, 1828, the most dominant personal power was removed from the State. The animosities against him had lost not a little of their bitterness; his transcendent services were admitted even by his opponents, while his eulogists pronounced him the "Pericles of our commonwealth." He devoted his learning and his oratory, which was elegant and impressive although not magnetic, to the history and interests of New York; and if his contemporaries found him lacking in the arts and attractions that win popularity, subsequent generations concede to him the higher merits of a sincere and constructive statesman.

By his death, Martin Van Buren became for the time the foremost figure in New York politics. That adroit manager, with the Albany regency, had enlisted early in favor of General Jackson for president, and on that movement was elected governor in 1828, while a member of the United States senate ; the State in the same year casting twenty of its electoral votes for Andrew Jackson, and sixteen for John Quincy Adams, for president. Mr. Van Buren acted as governor only from January 1 to March 12, 1829, when he resigned to become secretary of state in the cabinet of President Jackson, with whom he thereafter closely identified himself.

When Mr. Van Buren went to Washington, Enos T. Throop, as lieutenant governor, succeeded to the executive chair, and he was in 1830 elected governor, over Francis Granger, the candidate of the anti-masons. Albany entered upon that long exercise of political control which for years directed both parties in New York, and in no small degree affected the affairs of the nation. Edwin Croswell, editor of the "Argus," was the permanent member of the Albany regency, and was adroit as a manager and strong and audacious as a writer. Thurlow Weed, editor of the "Evening Journal," was destined to a more prolonged career, as he had surely a more subtle power over men; and in short paragraphs, condensing an argument or hurling an epithet or fastening a damaging accusation, he had no equal among his contemporaries. From 1826 to 1833, Azariah C. Flagg was secretary of state, followed by A. Dix until 1839 ; William L. Marcy was comptroller from 1823 to 1829, succeeded by Silas Wright until 1834; Greene C. Bronson was attorney general from 1829 until 1836. All these the State honors among its most noted sons. In the senate, William H. Maynard, Nathaniel P. Tallmadge, Nathaniel S. Benton, Henry A. Foster, Albert H. Tracy sat in the years of Governor Throop's administration, and, to become more famous than any of them, William H. Seward entered that body in 1831. John C. Spencer was in the assembly, and in 1829 Millard Fillmore entered; and that body contained other members who, without subsequently attaining to like eminence with him, at that time exercised equal or greater influence. The quadrennium dating from the death of Clinton was marked in Albany by an array of men of ability, and of continued influence on public affairs, rarely equaled and perhaps never surpassed.

Mr. Van Buren was destined to be the occasion of conflict in national politics. He had contributed to break up the cabinet, from which he resigned in 1831, and was nominated soon after as minister to England, and sailed for his post in September. When the senate came to act on his confirmation, Henry Clay, the leader of the opposition to Jackson's administration, arraigned him for instructing Minister McLean to say to the British ministry that General

Jackson was more favorable to its party than was Mr. Adams; the friends of Mr. Calhoun looked upon him as the instigator of mischief between the president and that gentleman; and to ambitious senators he was offensive because he was already regarded as the official candidate for the succession to President Jackson. He was therefore rejected, and was thus clothed with increased importance in the dominant party.

In the canvass for president in 1832, the principle of protection to American industry was brought into the foreground. In New York, woolen manufactures and wool-growing had become important interests. In 1827 a State convention at Utica drew together many able men, who declared that congress ought to pass laws to protect home manufactures and to encourage wool-growing, and they sent delegates to a national convention at Harrisburg to advance the same views. The legislature, January 5, 1828, unanimously called on the senators and representatives to try to secure "a sufficient protection to the growers of wool, hemp and flax, and the manufacturers of iron, woolens and every other article." It was supposed therefore that on such grounds Henry Clay, the champion of the American system, would command strong support in New York.

Mr. Van Buren had the credit of inducing General Jackson to modify his opinion that a president should hold that office but one term, and to consent to a renomination. Mr. Van Buren himself was nominated for vice-president, and he took active control of the canvass in the State, securing the support of the bankers in New York city opposed to the maintenance there of a branch of the United States Bank, and thus the Jackson party carried New York. Governor Throop gave way to William L. Marcy in the executive chair. The democratic party had become a compact organization. The opposition was a coalition of diverse elements, of admirers of the memory of Clinton and of the brilliant qualities of Clay, of masons and of anti-masons opposed to Van Buren and the Albany regency. Discipline and shrewd management held the democrats in power, reëlecting Governor Marcy in 1834 and 1836, and giving to Mr. Van Buren such prestige at home that the democratic national convention at Baltimore in the latter year gave him the nomination for president with absolute unanimity. The personal strength of General Jackson contributed not a little to this result, but the importance of New York as a State commanded consideration, now that for the only time the dominant party was without internal feuds and intense personal rivalries. The popular majority for Van Buren electors was nearly ten per cent. of the total vote cast.

In that generation the delegation from New York, in both houses of Congress, was eminent in character and influence. Nathan Sanford served two terms in the senate, and between them was chancellor of New York. Charles E. Dudley, who succeeded Van Buren as senator, is better known as the founder of the Dudley Observatory at Albany. William L. Marcy and Silas Wright were not surpassed by any of their colleagues as legislators. Nathaniel P. Tallmadge passed from state politics to the national senate, and was among the foremost of the conservatives in the whig party. Henry A. Foster, in both houses of congress, exhibited the ability and force which even in a higher degree he illustrated afterwards on the supreme bench of the State. Daniel S. Dickinson, a leader in his own commonwealth among the conservative democrats, in the senate attained such standing, under the administration of President Polk, as to array it with his wing of the party in New York politics. In 1848 his name was suggested for the presidency. In 1861 he threw all his influence for the war for the Union, and identified himself with the republican party. Among the representatives at the same time were many able jurists, efficient legislators, and recognized leaders of opinion in their respective parties. Foremost as a debater, and pronounced by Henry Clay the most eloquent speaker he ever heard, was Henry R. Storrs, who served twelve years as representative from the Oneida district, but subsequently was in the forefront of the legal profession in New York city. Conspicuous in their respective parties were also Peter B. Porter, John C. Spencer, Albert H. Tracy, and Churchill C. Cambreleng. Michael Hoffman took to Washington his radical views and his local reputation. Samuel Beardsley was welcomed for his learning in the law and his weight of personal character. Millard Fillmore established the relations which gave him the vice-presidency and the succession to the presidency; while Francis Granger, of the same school of politics, was called from his seat as a representative to become postmaster general in the cabinet of President Harrison.

The political revolution which swept the commonwealth as well as the nation in 1840 was due to local as well as general causes. The financial distress which marked the year 1837 was felt with intense severity in New York, and the banks of the State, compelled to suspend specie payments, became, as well as the United States Bank, factors in partisan divisions. Charters were still granted as matter of favor by the legislature, and were the occasion of conflict in each locality. The suspension of the law forfeiting these charters for a failure to pay specie, necessary as it was, afforded ground for censure, and for assault on the friends of the banks. At the same time, Mr. Van Buren's plan for a sub-treasury arrayed the bank influence against him and his party.

Another influence began to work at this period. The people of New York were instinctively opposed to the extension and aggrandizement of slavery, but political and commercial interests held them in check. When Missouri asked for admission as a State as long ago as 1819, James Tallmadge, Jr., a representative from the Dutchess district, moved to strike out the permission to maintain slavery, and the legislature unanimously called on senators and representatives to sustain his position. The Missouri compromise postponed the discussion, which, however, earnest thinkers were in various ways pressing, and which ambitious Northern men and enterprising merchants were seeking to avert. So it happened that in 1834, during the controversy to petition congress against slavery, mobs broke up abolition meetings in New York city, and assailed eminent citizens like Arthur and Lewis Tappan because they opposed slavery. October 21, 1835, an anti-slavery convention was held in Utica, according to previous notice. A citizens' meeting sent a committee to the six hundred delegates who assembled, to "warn them to abandon their pernicious movements," and under this instigation the mob broke up the convention and drove the delegates from the town. A like spirit was shown elsewhere, and Southern leaders demanded that agitation about slavery should be put down. Mr. Van Buren agreed with them at this time, and in his first message declared positively against interference by congress with slavery in the District of Columbia.

The close relations between Canada and New York produced intense excitement in 1837, and threatened international complications. Owing to discontent in both Upper and Lower Canada, William L. Mackenzie and Joseph J. Papineau were able to organize an insurrection of considerable proportions, and they appealed for sympathy, and to some extent commanded it, on our northern borders. In December, Navy Island, on the Canadian side of the Niagara River, was seized by a party of Americans accompanied by Mackenzie and led by Rensselaer van Rensselaer of the patroon's family. They held the island with seven hundred men, twenty cannon, and abundant provisions, and kept up communication with the American shore by a steamboat called the Caroline. On the night of December 29, the Caroline lay at Schlosser's Landing, on the American side, with its crew sleeping quietly, when royalists from Canada under Colonel McNab cut it from its moorings, set it on fire, and let it loose to drift down the cataract, while the occupants were killed, wounded, or drowned. Four years later Alexander McLeod, who had boasted of complicity in the firing of the vessel and the murder of its crew, was put on trial in Utica for the crime. The British government assumed the responsibility of the destruction of the Caroline as an act of war, and demanded the release of the prisoner, which was denied by the United States, and he was tried under the authority of New York and discharged as innocent, on proof that his boast was only drunken swagger.

The United States government met the disposition to retaliate at once for the invasion of our soil, by proclamations, and by sending, to preserve our neutrality, General Scott to the Niagara River, General Macomb to Sackets Harbor, and other officers to other points. Congress deemed it necessary in 1838 to appropriate $625,000 for the protection of our northern frontiers. Secret "Hunter lodges" were organized in many villages along the Niagara, Lake Ontario and the St. Lawrence for attack upon Canada. Arms were stolen from the State arsenal in Watertown, and in February, 1838, a considerable body of men gathered at Clayton, but Van Rensselaer and Mackenzie disagreed and their forces vanished. Rumors of assault from Canada led to the posting of militia at Cape Vincent and Clayton to protect our soil. May 29, at night, the British steamer Sir Robert Peel, while taking on wood off Wellesley Island, was entered by a band disguised as Indians, and the passengers and crew were driven off; the vessel was set on fire, with cries, "Remember the Caroline!" and money and clothing were carried away. William Johnston, declaring himself "commander-in-chief of the naval forces and flotilla" in the patriot service of Canada, assumed responsibility for the act, but a proclamation by Governor Marcy offering a reward failed to secure his arrest, while others who were put on trial were acquitted.

In November, the Quixotic plans of invasion culminated. A steamer and two schooners freighted at Oswego carried a large number of men, with arms concealed, down the St. Lawrence, and Sunday night, November 11, reached Prescott. The men were under command of General John W. Birge, of Cazenovia, Madison county, with Von Schoultz, a Polish exile, second in rank. An order to attack was not obeyed. At Ogdensburg, on the opposite side of the river, the sympathizers with the patriots seized the steamer United States, and armed and manned it, and made a demonstration to aid the invaders. A landing was effected at Windmill Point by one hundred and eighty patriots, where under Von Schoultz they prepared for defense, in the absence of the recognized leaders. They were attacked on Tuesday, and vigorously returned the fire and held their ground, at a cost of eighteen patriots killed and wounded and eighty-two on the British side. On Wednesday the dead were buried under a flag of truce. On Friday, the British appeared with reinforcements of men and artillery, while the provisions and ammunition of the patriots were exhausted. Flags sent by the patriots proposing terms were fired upon, and after some delay they surrendered unconditionally.

The rising in Canada for which the demonstration had been a signal had failed. The instigators of the enterprise had not shared in its dangers. Sympathy on the American shore was abundant, and all the efforts of the authorities were required to check overt acts; while in the board of supervisors of St. Lawrence county a motion was made to adjourn to enable the members "to rescue that Spartan band of patriotic friends, and preserve their lives from the hands of their enemies, the tyrants and advocates of the British Crown." The prisoners included boys of fifteen and seventeen, and were mostly from the northern counties of New York, with several foreigners, and only four Canadians. They were tried; Von Schoultz, the leader, pleaded guilty and was hanged, as were seven privates or subordinates; others sentenced to be hanged were transported to Van Diemens Land, but afterwards pardoned, and some of the youngest were sent to the penitentiary. Some were released without trial, a few were acquitted, and pardons were after various periods accorded to such as survived. The attempt at organized operations by the patriots ended by the disgrace and disaster of Windmill Point; but, June 6, 1840, proof was given that Canadian refugees were still plotting mischief, for two of them put explosives on the British steamer Great Britain while it was lying at Oswego. An explosion took place, but no lives were lost, and the vessel was saved.

The conduct of the United States government in the whole matter was sharply criticised, and there was much open and more secret sympathy with the Canadian "patriots," and some speculative schemes were devised contingent on their success. For years the northern counties expressed at the polls their condemnation of the administration and its party.

When the election occurred in 1837, the whigs carried the legislature and many of the counties, and in 1838 elected William H. Seward governor over William L. Marcy. They were both able scholars and shrewd politicians, and both deserve to rank as statesmen. Ideas, sentiment, principle, controlled Mr. Seward. Mr. Marcy was more a practical statesman, whose standard is indicated by his declaration in the United States senate, that "to the victor belong the spoils" of office. Mr. Marcy had served on the bench of the supreme court before his three terms as governor, and he was afterward secretary of war under President Polk, and secretary of state under President Pierce. Mr. Seward, beginning his public career as State senator in 1831, was to serve as governor for four years, to enter the United States senate in 1849, to become the eloquent and accepted advocate of constitutional opposition to slavery, and, although disappointed in his ambition for the presidency, was as secretary of state under Mr. Lincoln to give to the republic services not second in value and dignity to those of any other occupant of that position, and surpassed, if at all, by only two or three of our presidents. As governor of New York he exhibited the qualities of courage, of devotion to reform, of high principle. He met the anti-rent difficulties of 1839 with promptness and vigor; he recommended modifications in the judicial system which were afterward embodied in the fundamental law; and in declining to return fugitive slaves demanded by the governor of Virginia, he asserted the rights of man and the limits of the comity of States. His views on the division of the school fund were not sustained, and he was sometimes criticised for favoring generous expenditures, not only for internal improvements, but for other purposes.

New York went wild with the rest of the country in the political Saturnalia of 1840, and gave its electoral votes to Harrison, against its recent favorite Van Buren, and reëlected Mr. Seward governor. In 1842, William C. Bouck, democrat, was chosen governor, in part because of the disfavor felt for Mr. Seward's proposition for dividing the school moneys between Protestants and Catholics, but chiefly owing to the divisions among the whigs caused by the policy of John Tyler, who had succeeded to the presidency.

The project for the annexation of Texas affected parties in New York quite as seriously as anywhere else in the country. The whigs were generally opposed to it, and many democrats took pronounced ground against it. For the canvass of 1844 it was necessary to appease them, and to that end Silas Wright was nominated for governor, while the whigs designated for that office Millard Fillmore. Mr. Wright was simple in his habits, sturdy in his morals, rigid in his views of public expenditures, and of solid rather than brilliant intellect. Entering the State senate in 1824, he had opposed the policy of DeWitt Clinton; he served as a representative in congress from 1827 (resigning to become comptroller in 1829); and as United States senator from 1833 to 1844, he had supported a protective tariff, the Jackson bank policy, and had been positive for the right of petition and the inviolability of the mails against slavery, and pronounced in opposition to the annexation of Texas. His influence was enlisted then to hold the democratic party together, — a service for which the administration which he thus brought into power, after offering him the post of secretary of the treasury, which he declined, treated him first with discourtesy and then with hostility.

Mr. Fillmore began his career in the assembly in 1829. In congress he had in three terms earned a high position, and as chairman of the committee of ways and means had taken active part in framing the tariff of 1842. He was conservative in temperament and views; and in order to balance his tendencies, Alvan Stewart, an active abolitionist, was put on the ticket with him as lieutenant governor. The electoral vote of New York was confidently reckoned upon in 1844 for Henry Clay, in part because the democratic national convention had set aside Martin Van Buren as a candidate, although he received the votes of more than a majority of the delegates, but not two-thirds; and because of the general opposition to the annexation of Texas. But the influence of Mr. Wright held many democrats to the support of James K. Polk, in spite of these considerations; while Mr. Clay's Alabama letter served as a justification for some, who had been his supporters, to join the "liberty party," which avowed hostility to slavery, and gave to its candidate, James G. Birney, in New York, 15,812 votes, while Polk's majority over Clay was only 5,106. Mr. Wright's majority for governor was 10,030. This disparity was the occasion for criticisms and for dissension.

After Mr. Wright declined the portfolio of the treasury in Mr. Polk's cabinet, he asked that it should be conferred on his friend Azariah C. Flagg. Mr. Polk did not grant this request, but took instead William L. Marcy for secretary of war, who was hostile to the newly elected governor; and other federal appointments in New York were bestowed on the faction soon known as "hunkers," while Governor Wright's friends, the "barnburners," were passed over. The feud grew in bitterness, and led to the defeat of Governor Wright in a canvass for re-election in 1846, when John Young was chosen to the executive chair. Mr. Wright died August 27, 1847, and his memory has been ever since a rallying cry against the influences then dominant in the democratic party.

CHAPTER XXXIV.

LITERARY ACTIVITY.

THE literature of the first half century of the commonwealth which became New York was in French and Dutch. The narratives of Cartier and Champlain, followed by the historical relations of Wassenaer and De Laet, introduced the domain to the Old World. They retain the flavor of adventure and romance, and of a region and experiences novel and exciting. Holland was, during the seventeenth century, not second in intellectual activity to any other portion of Europe, and its province, New Netherland, showed forth the qualities of the mother land. The controversies between the Dutch West India Company and the people called out discussions that have been preserved. The appeals to Holland and the answers to them were frequent, and they are documents that have not lost their interest by the lapse of time. The remonstrance against Stuyvesant, the request to the government to cancel the charter of the company and to assume its authority, and the counter-arguments in behalf of the company and the governor, throw light on the condition of the colony, and besides indicate the stage to which the demand for popular rights and the hostility to commercial monopolies had advanced. While the struggles of the other colonies are read in the vernacular, and documents in London and here at home, the archives of New York are included in the records, not of Holland only, but of Canada and France as well. The correspondence of the governors of Canada with Louis XIV. furnishes some of the most graphic and most enduring chronicles of incident and development south of the St. Lawrence. The narratives of the French missionaries constitute a rare and delightful treasury of personal labors and sufferings among the Iroquois, with sketches of the country as it came from the hand of nature, and of the red men when in their earliest intercourse with the whites. Charlevoix, La Potherie, Lafitau, Jogues, Bruyas, are authors whose names should be preserved for the merit of their productions as well as for their services on our soil; and the whole series of "Jesuit Relations" must be regarded as illustrating the trials and the sacrifices out of which our commonwealth has been developed.

In the Dutch period the clergymen were men of affairs, and Domine Megapolensis was, with Van der Donck and De Vries, skillful and influential with his pen. Poets there were too, as critics tell us ; but while they give their names, their fame must be entrusted to their care. In the earliest English period, Daniel Denton (1670) published a description of New York, designed to invite immigrants ; and in the next year, Arnoldus Montanus essayed a like task, and doubtless for the same purpose. The soil of New York was not fruitful in theological controversy, but Daniel Leeds' "News of a Trumpet in a Wilderness" (1697), aimed at the Quakers, with whom he had quarreled in Pennsylvania, was one of the earliest tracts which at intervals broke the smooth current of religious thought.

Some of the English governors adorned their positions by their literary abilities. Governor Dongan, General Hunter, and Governor Burnet were men of education and familiar with books. The reports and letters of the first named have lasting value. Of all who held the executive office in colonial days, Cadwallader Colden has left the fullest testimony of intellectual training and industry. His "History of the Six Nations" has been the source of a great deal of our information about the aborigines ; while his writings on scientific subjects, and especially on botany, would have earned him a reputation independently of his political services. Sir William Johnson cannot be omitted from a list of those who wrote well, and have preserved instructive details relative to the Iroquois and their institutions, gathered from personal investigation. William Smith's "History of the Province" down to 1722 (first published 1757) has the life and movement, and some of the prejudices, of a personal narrative, for he deals with many men and many events with which he was intimately connected.

In the quarter century before the Revolution, the minds and pens of the colonists ventured upon excursions into various departments. If the Muses were as zealously courted here as in other colonies, equal pains were not taken to preserve the verses, for the number of aspirants for poetic laurels at this time is not large. Some of the writers deserve credit, not simply as residents of a country struggling with the hardest material difficulties, but for literary merit rising above unfavorable conditions. Two of these were Mrs. Bleecker and William Livingston.

Mrs. Ann Eliza Bleecker, daughter of Brandt Schuyler (1752), wrote poems for a magazine, and these, with stories and letters, were gathered into a volume, which is interesting rather as a bud in our anthology than as a full flower. William Livingston (born 1723, died 1790) was a native of Albany, a graduate of Yale College, and a resident of the colony until 1772, when he removed to New Jersey, and in due time became its governor. His poem, "Philosophic Solitude" (1747), is an elaborate, scholarly production, in heroic measure, and may well rank with some of the productions of Dryden and Johnson. Livingston was a prolific writer for the newspapers on moral and political topics, and his "Review of the French War," from 1753 to 1756, was first published in London.

These were, indeed, the topics best befitting the times. The newspapers, and the addresses of the governors, and the answers by the assembly, enlisted the best talent of the day, until the continental congress and the struggles with Great Britain furnished themes, and then the national constitution produced a mass of political literature that can never die. The tories were not without voices to justify their position, among whom James Rivington, the publisher of the "Gazetteer," was not least in skill of attack and cutting satire. Dr. Myles Cooper, president of King's College, joined in the discussion, with the leaders in the royal council, and more than one of the clergymen. But not only the argument, but the mastery in debate, adroitness in the use of words, rugged force and often high eloquence, were on the side of the patriots. One needs not go outside of the chronicles of New York to find the American case stated, the plea for natural rights maintained, and finally the cause of independence and of national unity asserted, with a power of logic, a wealth of fact and illustration, and a ripeness of scholarship and of far-seeing statecraft, that lack no element of completeness. Men of action there were, to perpetuate whose memories New York has done less than its neighbors for their benefactors. Among philosophic statesmen, Hamilton and Jay and Gouverneur Morris and the Livingstons are not in a second rank in the services which they rendered to the infant republic.

The revolutionary period developed a school of political versification, in which Philip Freneau was by popular consent the master. Of Huguenot blood, he was born in New York in 1752 (died 1832), was graduated at Princeton, and his genius as a poet, essayist, and satirist cannot be denied. Although one of his many periodical ventures was published in New York, much of his literary work was done in Philadelphia, where he was the editor of the "National Gazette," and engaged in a bitter quarrel with Hamilton. One of his eulogists reports that Jeffrey, the Scotch reviewer, predicted a time "when his poetry, like that of Hudibras, would command a commentator like Gray." His writings are so largely controversial, and in partisan warfare he held so marked a place and dealt such hard and sometimes sinister blows, that less than justice has been done to the versatility of his talent, to his humor, his skill in description, and, with occasional marks of carelessness, his choice use of language. Freneau was the author of several ballads, which during the Revolution were adopted as utterances of the general patriotism; and the incidents of the fights over the liberty pole inspired other writers to verses which have the stir and movement of action and of courage; while the tories enlivened Rivington's columns by pasquinades aimed at the patriot leaders. The fate of Major André has rendered memorable the verses which he wrote burlesquing the American armies, and a ballad from a patriot pen eulogizing his captors is preserved by the like cause.

Poetry continued to attract no small number of writers in the last two decades of the eighteenth century. Their verses show that aspiration and effort were not lacking, and that there were no little taste and promise in effusions which are now forgotten. William Dunlap (born 1766, died 1839), son of an Irish officer who came out in 1759 with Wolfe to attack Quebec, was successful in producing a comedy, entitled "The Father," which was put on the stage in September, 1789, and was so well received that he wrote other plays, which were acted. He became a theatrical manager, painted portraits and more ambitious subjects, and wrote "A History of the Arts of Design in the United States," but he is best known by his "History of New York," first published in 1839. A type of an activity which has since been marvelously developed, in school-books, was presented by Lindley Murray (born 1745, died 1826), who published in 1795 an "English Grammar," and some years after an "English Reader," with selections from the best authors, so wisely made that it is doubtful if it has ever been surpassed. A higher standard of scholarship was illustrated by Charles Anthon (born 1797, died 1867), whose editions of the classics and "Dictionary of Greek and Roman Antiquities" were early contributions of our commonwealth for the use of students. Missionaries like Rev. David Brainerd, Rev. Gideon Hawley, and Rev. John Taylor, and travelers, who, regarding the country as strange and interesting, mingled religious observation with pleasure excursions, like President Timothy Dwight of Yale College, have left, in their journals and letters, sketches of the country and the people, from which age will not detract. The years from 1783 to 1800 are not so much marked, outside of politics, by actual achievement as by struggle and advance in various departments which proved to be preparation for a literature with distinct qualities and unquestionable merit.

With the new century intellectual activity became intense. The journals and periodicals multiplied, and, becoming the vehicles of literary miscellany, developed a school of humor, criticism and fiction. In New York city, the readers were in sufficient number and of taste ripened to the point of encouraging such authors. Washington Irving (born 1783, died 1859) began in 1802 as a writer for the "Morning Chronicle" of his brother, Dr. Peter Irving. In 1807 he projected, with his uncle by marriage, James K. Paulding (born 1799, died 1860), a humorous serial under the title of "Salmagundi." Two years later appeared "Knickerbocker's History of New York," by Irving. Both writers were welcomed as their successive and numerous publications came from the press. They were racy of the soil, and were genuine in thought and treatment. Irving chose at a later period foreign themes, which his grace and elegance and delicate humor adorned, and no one can take from him the laurels of the chief as well as the earliest of our *belles-lettres* authors. Paulding was a worthy colaborer, and at that time divided the laurels, and won some peculiarly his own in dramas. Both were creative and prolific and tried several departments of authorship. Their best successes are in the sphere of the sketching of local events and characters, and in that of humorous narratives and essays. Irving especially was recognized at once as an author of American type, and has no more lost caste by the change of fashion than has Addison. Paulding added to his literary labors political service as secretary of the navy in the cabinet of President Van Buren from 1838 to 1841.

Even more distinctively American, finding his incidents and characters still more largely in this commonwealth, and the father of a school in which he has had no successful rivals, is James Fenimore Cooper. Born in New Jersey in 1789, he was taken the next year to Otsego county, where his father owned a large estate and gave name to a town where the novelist died in 1851. He published "Precaution," a novel of the prevalent fashion, in 1809. It was not until 1821 that "The Spy" appeared, a tale of the Revolution, and redolent with the atmosphere and stirring with the action of the scenes of the war. "The Pioneers," and the series of Leather-Stocking Tales, are original with the life of adventure and the flavor of the woods and the waters. They gave the Indian and the frontiersman a place in literature which they can never lose, and created characters that have become types of a class that civilization has banished. Cooper's novels of the sea have peculiar merits, and few rivals have equaled his success in this sphere. He was a fertile writer and prone to controversy, and over his treatment of the events and commanders of the war of 1812 disputes arose, in which he became plaintiff in libel suits which arrayed against him powerful interests, that for a time clouded his literary reputation. The freshness of his themes, the dashing romance of his incidents, the purity and vigor of his language, remain to insure for his American tales a duration linked with the Hudson and its shores, and the inland lakes and valleys, which he has peopled with his creations.

While fiction reveled in these fields, investigation was diligent and fruitful in them. William L. Stone (born 1792, died 1844), in addition to his laborious tasks as editor of the "New

York Commercial Advertiser," wrote biographies of Joseph Brant, of Red Jacket, and of Uncas, dealing thoroughly with the character and acts of the Iroquois and their neighbors, and gathering materials vital to a knowledge of our early history. In the "Biography of Sir William Johnson," his own labors of study and preparation have been well supplemented by his son of the same name, and the result is a treasury of incident and fact admirably presented in connection with one of the chief figures in the history of New York.

A similar work was prosecuted by Henry R. Schoolcraft (born 1793, died 1864), who devoted much research to the red men in New York and in the far West, as well as to various branches of science. His writings are prolific, original, and occupy a field little cultivated. The Iroquois have also been studied closely and very thoroughly by Lewis H. Morgan (born 1818, died 1881), who has become the latest and best recognized authority on the confederated tribes whom the French and Dutch found masters in New York, and who has fulfilled admirably the task which was due from the heirs of their domain.

For the Dutch period John R. Brodhead performed a like duty. Born in Albany, 1814 (died 1873), the great-grandson of an English captain in the expedition against New Netherland in 1664, and the son of a daughter of John R. Bleecker, of Holland family, he represented the mixed population of the commonwealth in the diligent study of its history. As agent of the State he searched the archives of Holland, England, and France for documents relating to our colonial period, and brought back what Mr. Bancroft pronounced "the richest freight of new materials for American history that ever crossed the Atlantic." These documents have been published by the State; and Mr. Brodhead has rendered their substance still more accessible by his "History of New York," a thorough and exhaustive work, which however he brought down only to 1691, the governorship of Sloughter and the execution of Leisler. His researches and studies constitute him, for the period of which he treats, the foremost authority, and his volumes an enduring classic. In a related sphere, Henry C. Murphy (born 1810, died 1882) has, in the intervals of his legal practice, and service in the State senate and in congress, thrown much light on the Dutch period; and his "Anthology of New Netherland, translations from and memoirs of the early Dutch Poets of New York," is unique. Leading into more limited fields, but all full of incident and attraction, William W. Campbell, in his "Annals of Tryon

County," brought out the significance of central New York in the early struggles; and Jeptha R. Simms, in the "Frontiersmen of New York," has gathered a fund of personal anecdote and local adventure that have the zest of a new country and of unconventional experience. Benson J. Lossing has devoted himself to the latter generations of our history, and has connected great events with the localities where they occurred. The most elaborate of his works, the "Pictorial Field Book of the Revolution," and the "War of 1812," add the attraction of illustrations from drawings taken on the spot and of portraits to a sprightly and flowing narrative worthy of the old chronicles. Henry B. Dawson, born in England in 1821, but since 1834 a resident of this State, has published an elaborate narrative of the "Battles of the United States," and has been diligent and successful in antiquarian researches, and by his books and the "Historical Magazine" has deserved well of the commonwealth. Among the histories of the city of New York, that by Mrs. Martha J. Lamb is the most complete and satisfactory, as it is the most recent; and in the "Magazine of American History" she is gathering abundant material, new and old, for historical students. Franklin B. Hough (born 1822, died 1885) was a most diligent investigator and fruitful writer on many subjects, and on statistics, forestry, and the history of northern New York, he is a recognized authority. This devotion to themes born of its own soil has produced, if not the largest body, some of the most valuable of the contributions made by New York to literature.

The inspiration and influences which developed Irving and Cooper produced also a poet who deserves to be remembered for the quality of his verses, not less than as a pioneer in his branch of literature. Joseph Rodman Drake (born 1795, died 1820) established fairyland in the highlands of the Hudson by his "Culprit Fay," published in 1819, affluent in the liquid melody of its rhyme, and in the splendors of its imagination. His miscellaneous poems might make a reputation for a less worthy writer. Drake was closely connected, in a series of verses in the "Evening Post," with Fitz-Greene Halleck (born 1795, died 1867), who came to New York from Connecticut at the age of eighteen, and in stirring lyrics like "Marco Bozzaris," and in satire like "Fanny," exhibited rare elegance of versification and of taste. A name now forgotten, but once conspicuous, is that of James Lawson (born 1799), who came from Scotland to New York in 1815, and wrote tales, sketches, and a tragedy ("Giordano"), performed in 1828. More remarkable, with a genius to madness near allied, was McDonald Clarke (born 1798, died 1842), who was a leader in the multitude of versifiers who belong to this period. Clement C. Moore (born 1779, died 1863), by his brief poem, "A Visit from St. Nicholas," has perpetuated a Dutch legend with local coloring, but deserves higher recognition for his Hebrew and English Lexicon, published in New York, 1809, and the first work of its class produced in this country.

Easily foremost in the elevation of his mind, in the sustained excellence of his art, and in the reputation which has been conceded to him, among the flock of singers who began their melodies together, is William Cullen Bryant (born 1794, died 1878). He began his career in Boston, but he came to New York in 1825, and enjoyed intercourse with the circle of active and cultivated minds who were then rendering the newspapers brilliant and attractive. Becoming permanently connected with the "Evening Post" in 1826, he identified himself with the city and the State, which have delighted to honor the individual, the scholar and the author, and to pronounce his poetic works among the first of our classics.

The vast currents of song and fiction which have flowed from New York's hills and valleys into the ocean of literature were already numerous and varied. Lucretia Davidson (born 1808, died 1825) attracted notice for the precocious merit of her verses, and with her sister, Margaret Miller (born 1823, died 1837), was fortunate in finding Professor S. F. B. Morse and Washington Irving for editors. They were prophets of the era at hand when so many girls were to lisp in song, and so many women to attain distinction as writers. With an imagination as glowing as her philanthropy, Lydia Maria Child (born 1802, died 1880) brought with her in 1841 a reputation, which for a long generation she maintained, as a writer in the "Anti-Slavery Standard," and in letters, tales, and romances. One of the earliest of women correspondents for the press, she was also one of the most brilliant; and while her romances were much praised, her letters added more to her circle of readers, and not less to her fame. In fiction, Susan (in 1849) and Anna B. Warner (in 1853) proved the hospitality of publishers and readers for American authors; and Mrs. Caroline M. Kirkland in 1839 began a career which lasted for many years. In 1850 came to New York Alice Cary (born 1820, died 1870), and in 1851 Phœbe Cary (born 1824, died 1871), natives of Ohio, who were busy with productive pens; and here, by tales and letters and poems, they attracted the attention of critics at home and abroad for the freshness of their sketches of nature and character, and the purity and depth of their emotions.

Early types of writers who have since multiplied in numbers, were Charles Fenno Hoffman (born 1806), whose songs have the melody of music, and his literary sketches strong drawing and rich colors; and Theodore S. Fay (born 1807), whose "Reveries of a Quiet Man," published in 1832, was the forerunner of novels some of them with scenes located in and about New York. T. S. Arthur (born 1809) and Joel T. Headley (born 1814) are probably the most prolific authors native to the State; the former deals with social and moral questions, often in mild fiction, while the latter ranges from travels and biography to historical sketches.

William H. C. Hosmer (born 1814) presented in verse Indian legends and songs, and portrayed the birds of our country, in a style which should secure for his writings more attention than has been given to them. Foremost in his services in depicting the scenery of the commonwealth and its various beauties, is Alfred B. Street (born 1811, died 1881), who also caught the spirit of its formative period. In his "Burning of Schenectady" (1842), and still more in his "Frontenac" (1849), he has immortalized the heroism and suffering of our pioneers. In "Woods and Waters" he describes the Saranac and Racket Rivers, and the Adirondack Hills, with the art of a master and the glow of a lover. He also contributed a useful chapter to the history of the commonwealth in his "Council of Revision," in which he described the members and the proceedings of that peculiar body. If he does not as a poet add the excitement of high imagination to the perfection of rhythm, he exhibits the qualities of Chaucer in wealth of detail, and, as Tuckerman observes, is "a true Flemish painter, seizing upon objects in all their verisimilitude." His poems will, in the future, attract readers who seek to know the State in its youth, its landscapes in their beauty, and its early adventures in their swift and varied and bloody movement.

No phenomenon of our age is more remarkable than the production of the "Mormon Bible," alleged by Joseph Smith to have been found in 1819 on Mormon Hill, in the town of Manchester, Ontario county. The development of Smith himself into a clairvoyant, and then into the spiritual leader of a new revelation, and the father of a sect that more than once has threatened the peace of the republic, is one of the marvels of human experience.

The "Book of Mormon" was first printed in Palmyra in 1830, and there and in the vicinity his first converts were made. Its real author, Rev. Solomon Spaulding, was before 1809 settled in Cherry Valley, and after seven years' residence in Ohio returned to New York, and lived in Amity until he died in 1827. He had written a romance, in the form of an ancient manuscript, representing a colony of Israelites in America, and embodying his archæological lore. The manuscript, quaint, original, mystical, was left in the hands of his widow, and was read by several persons, and finally stolen or copied by a printer, Sidney Rigdon, who became one of Smith's apostles. With some changes, the romance of the clergyman, written with purely literary aims, was adopted as the Bible of a propaganda. Within a few years the interior of New York was traversed by preachers bearing its message. To Ohio, to Nauvoo, to Utah, the "Latter Day Saints" advanced, gathering numbers and wealth, while persons still living remember the first converts in the church which is master of a territory, and defies the government of the United States.

Samuel F. B. Morse (born 1791, died 1872), although a native of Massachusetts, became a resident of New York in 1815 as an artist, and there he won his enduring laurels. He founded the National Academy of Design, and took intelligent interest in science and literature, and his contributions to the press were many and varied. The electric telegraph, so promptly and so cordially accepted and developed in his adopted State, perpetuates his genius and his fame; and many companies have followed the first, organized in 1845, the New York, Albany and Buffalo Telegraph Company, with its headquarters in Utica.

The growth of the press in New York has been due to its enlistment of talent of every sort from every quarter. Pennsylvania gave George P. Morris, and Maine Nathaniel P. Willis, to address readers who sought light and graceful verses and letters, and the gossip of society. Mordecai Manuel Noah, whose name indicates his race, might figure as an editor of the modern era. Horace Greeley, James Gordon Bennett, James Watson Webb, Henry J. Raymond, James and Erastus Brooks, are striking types of diverse characters, who contributed to build up the journalism which is now dominant in the metropolis, and even more prominent and influential in the interior of the State. More versatile than most of his colleagues, and training himself to broad and generous scholarship in several branches, was Bayard Taylor, born in Kennett Square, Philadelphia, in 1825, but coming to New York in 1847, where, although not always his home, he found the centre of his labors. First winning note as a traveler, he wrote novels that were read and poetry that was admired, and as a translator of Gœthe's "Faust" he took rank among American masters of German literature. When he died in Berlin in 1878, he was minister of the United States to the German empire.

From the pulpit, literary talent has turned to labors in fields allied to religion, with noteworthy results; and our jurists and teachers have added a full roster of recruits to the army of authors.

Societies for the promotion of agriculture, of science and art, and of benevolence, have been from an early day numerous and active in the commonwealth, and their transactions have often added rich gifts to the literature of the interests to which they are devoted. Among the pioneers in this field, Dr. Samuel L. Mitchell (born 1764, died 1831) holds the first rank. He was distinguished in various branches of literature and sat in both houses of congress. His energy and versatility, as well as his learning and prolific pen, were working capital for New York city. Dr. David Hosack (born 1769, died 1835) was a colaborer in many movements giving to the city tone and progress in literature, science, art, and charity. By the activity of such men, attractions and encouragement were offered to scientists, so that investigators and writers like John James Audubon chose homes in the city or its vicinity.

An organization at once a sign of intellectual activity and a power in the sphere which it chose for itself, was the New York Historical Society, founded November 20, 1804, by some of the leading statesmen, clergymen, and scholars of the city. The addresses delivered before it and the collections published by it, down to the current year, have included studies and documents of great interest, and productions of high and varied eloquence. The society gave an impetus to investigation into the chronicles of the commonwealth, and to the preservation of its records. The legislature was enlisted in gathering, abroad as well as at home, documents that otherwise would have been lost, and printing them in form for study. Local societies with like objects have been devoted and efficient, and monuments on the battlefields of Oriskany and Saratoga are due to their labors. Private enterprise has been busy with gazetteers and county and town histories, whose number is already legion; while recent centennial celebrations, and the bi-centennial jubilation of Albany, have caused a general revival in historical studies.

CHAPTER XXXV.

LAND AND RENT.

1839–1846.

THE imperial domain of New York was improvidently administered from the first. The vast estates secured by the patroons under the Dutch were so located as to become very valuable as population grew. The grants by the English royal governors to themselves and their favorites took up much more of the choice lands. Speculation, by these large landowners and by others, seized, for small consideration but under the name of purchase, vast tracts, which the Indians gave up without knowing the consequences. By grant from King George, Sir William Johnson added to his former possessions a domain which made him, next to William Penn, the owner of the most extensive estate on the continent. Foreign capitalists, like the Holland Land Company, acquired title to thousands of acres in various parts of the commonwealth. At the close of the Revolution the commonwealth owned more than seven million acres of its own soil. The waste and folly that had prevailed from the beginning culminated in the sale of 1791, when, in tracts so large as to exclude fair competition and in total quantity so much as to glut the demand, over five and a half million acres of these lands were given away, at prices merely nominal, to speculators who sought only their own gain.

The evils of the concentration of lands in a few hands were many; the benefits were to individuals, or if to the community they were transient. For a while there was a largeness of operations in clearing forests and making roads, and a courtly hospitality, which had their value. These could not give to tenants, however long their leases, the independence and enterprise of owners of the soil. The patroons insisted on their rights to feudal service and to permanent title to the farms which they permitted others to work. The lords of manors preferred to lease their lands, and sold grudgingly. Thus of vast tracts held and long occupied by industrious and thrifty farmers, increased in value by cultivation and improvement and by growth of population, the title for generations vested in the patroons, or the holders of the patents and their descendants. The Holland Land Company sold farms on long time to those who would improve them, at prices that seemed low, but when a succession of bad crops came or domestic affliction used up the income, they proved to be onerous. The development of a vast region simultaneously on like theories, with similar products, seeking the same markets, has its hazards.

The inevitable result was that the purchasers often complained of any enforcement of their contracts to pay for their lands, and suspected, if they did not discover, designs to evict them and seize on the improvements which they had made. The tenants on long leases were in a worse condition. They found that they had no title to the houses they had built, or to the farms they had cultivated, and that they were bound by a feudal tenure, while on the merest technicality the landlord might enter into possession, and the laws would give to him the fruits of their labor. Acts were passed in 1779 and 1789 abolishing feudal tenures between private citizens; but the landlords embodied like services and conditions in leases in fee, and for many years such agreements were not contested. In 1812, effort was made in the legislature to limit the claims of the patroons and to define the rights of their tenants, but it came to nothing. The irritation continued and was aggravated from year to year, not simply with reference to lands held under feudal tenure, but to leases and contracts and mortgages under allodial tenure. In 1836 the people of Chautauqua county were disturbed by rumors that the liens given by them to the Holland Land Company were to be enforced, and the land office, with its records, was destroyed by a mob. In Batavia, Genesee county, a threatened attack on the land office was prevented by the organization and arming of the citizens. Because prominent whigs took the place of the company as proprietors, partisan prejudices added fuel and flame to the controversy, which was, however, adjusted without prolonged violence, through the patience and tact and liberality of William H. Seward as agent.

The difficulties were more grave in the counties into which extended the estate of the Van Rensselaers. Just before 1839, the heirs of the patroon, besides seeking to collect long arrears of rent, tried to enforce their right to one-fourth of the sales of products of the land in case of alienation. Such a restriction would destroy much of the value of the leases, and practically gave the grantors a quarter title to the lands. Associations were formed to get rid of such burdens and to resist payment of rent, which it was alleged had been waived. The landlords appealed to civil process, which the tenants resisted. A band of anti-renters in disguise killed a person named Smith in Grafton, Rensselaer county, and a long investigation failed to discover the persons engaged in the affray. In Albany county, resistance to like process was general; and in December, 1839, Governor Seward issued a proclamation of warning against tumultuous assemblages and warlike acts. The sheriff called upon six or seven hundred persons to assist him in serving papers, and at Reidsville was met by an armed body of fifteen hundred men, who stopped him and forbade him to perform his duty. By authority of Governor Seward, the military companies of Albany were summoned; and December 9 an advance of one hundred and twenty men found over a thousand persons gathered to obstruct the sheriff, while the people generally sympathized with them. Three companies were ordered from Troy, and five hundred militia from Montgomery county, to proceed to Albany. By December 12 the sheriff was allowed to serve process and levy on property, and one person was arrested; and four days later, the militia was discharged from further service. In his message of 1840 Governor Seward proposed a commission to adjust the grievances, and it was authorized by the legislature; but while the tenants assented to its recommendations, the landlords refused to do so.

The controversy therefore continued, and acts of violence were perpetrated in several counties. Governor Wright made it a topic of discussion in his message in 1845, reciting that organized bands, disguised as savages and bearing arms, had defied the officers of the law, and interfered with its execution, and that lives of unoffending citizens had been sacrificed. He declared that the sympathies of the people favored the commutation of rents and fee-simple titles, but that the present duty was the assertion of the power of the State to preserve order. He recommended the enactment of severe laws to prevent and punish agrarian outrages, and they were promptly enacted. In Columbia county, however, violence was repeated. In Delaware and Schoharie, riots occurred, and a deputy sheriff named Steel was murdered by an armed party while performing his duty. Governor Wright followed the example of Governor Seward by issuing a proclamation of warning, and then calling out a military force adequate to put down the disturbances. They had lasted for months, and hundreds of men were engaged in them. Many arrests were made, and over fifty persons were convicted, including two who were sentenced to death, but the governor commuted their punishment to imprisonment for life. He felt the more free to exercise clemency because the insurrection was, in December, declared to be suppressed, and in his message in 1846 he recommended the abolition of distress for rent, the taxation of incomes from rents, and the limitation of leases to five or ten years.

The grievances of the tenants were carried into politics, and the legislature sought to cure them by statutes; while the constitutional convention of 1846 set limits to leases, and definitely abolished all feudal tenures. The anti-renters in 1846 gave their support to John Young for governor, and soon after his accession in 1847 he issued a proclamation narrating the incidents in the land controversy, and pronouncing the offenses political in their nature; wherefore, since the excitement had passed away, and the controversy itself had been closed, public policy would be subserved by mercy. He therefore gave full pardon to fifty-four prisoners, including the two persons who had originally been sentenced to death. Severe criticism was pronounced on this course, which was alleged to be in pursuance of a preëlection bargain with the anti-renters. The insurrections were not renewed, but Governor Young recommended that suits should be prosecuted by the State to test the validity of the title of the landlords.

Private litigation was abundant, and was attended with many aggravating incidents. Several cases were carried to the court of appeals. In October, 1852, that tribunal, in a thorough review of the laws as they stood even before the constitution of 1846, held that no agreement could make good restraints on alienation of titles held in fee, and therefore that all reservations of quarter-sales were illegal and void. This decision went far to sustain the position of the tenants, and practically ended the anti-rent movement as an organization to resist the laws. Sporadic obstructions, however, occurred to evictions for non-payment of rents or under contracts. In July, 1866, in Knox, Albany county, a battalion was sent to suppress agrarian troubles, but at its appearance seventy or eighty rioters scattered without violence, and nine prisoners were handed over to the courts. In the next month an agent of the landowners was fired upon in the town of Berne, and his horses were shot. Four persons were arrested and tried for the assault. Since the claims for service or payment in kind, or in shares of the products on alienation, have been abandoned, land tenure has become simple, and conflict over it has ceased to be threatening to society.

As time has run on, the large estates have been divided, and small proprietors have been multiplied. In 1880 the farms of the State averaged only 99 acres, and the tendency has been for years to smaller holdings. Reductions are yet possible and desirable, for there remained 281 farms of over a thousand acres each, 1,315 containing between 500 and 1,000 acres, and 96,273 between 100 and 500 acres. The total number of farms was 241,058, being more than in any other State except Illinois, and they gave occupation to 377,460 persons. Their value was $1,056,176,741, the greatest in the Union except those of Ohio; while the farming implements and machinery used on them exceeded those of any other State, and were worth $42,592,741. According to the last census, fourteen counties in the United States produced from the soil in 1879 over $5,000,000 each. One of these was in California, two were in Illinois, three in Pennsylvania, and eight were in New York, to wit: Monroe, $6,382,976; Oneida, $6,378,153; St. Lawrence, $6,046,906; Erie, $5,352,737; Otsego, $5,284,929; Jefferson, $5,199,352; Steuben, $5,171,054; and Onondaga, $5,079,198. Three of these counties lead every county except one in Pennsylvania. The same census places the value of all farm products in the State in 1879 at $178,025,695, exceeding those of any other commonwealth except Illinois; and experts insist that more accurate and complete figures would place New York first in agriculture, as it is by very far first in the value of its manufactures, and the magnitude of its domestic and foreign trade.

CHAPTER XXXVI.

STRUGGLES IN THE COMMONWEALTH.

1847–1858.

Elements of personal rivalry undoubtedly entered into the political controversies in New York during the administration of President Polk, but they rested on radical differences of principle. The friends of Van Buren and of Wright were opposed to the annexation of Texas and to the extension of slavery, as were the whigs generally. The conservatives in both parties acquiesced in these policies, and denounced the popular protests against what were pointed out as the aggressions of the slave power, as improper interference with institutions recognized by the constitution. When, in 1847, Preston King, a representative from St. Lawrence county, renewed the motion for the proviso originally proposed the previous year by Mr. Wilmot, that slavery should not be allowed in the territory acquired from Mexico, the New York legislature sustained his position by a vote nearly unanimous, and in congress all the representatives from the State but one were recorded for the proposition, as was Senator John A. Dix, while Senator Dickinson voted in the negative.

The supporters of Mr. Polk's administration controlled the State convention in 1847, but their candidates were beaten at the polls by over thirty thousand majority. They held the party machinery, and in 1848 chose delegates to the national convention at Baltimore, and put electors in nomination. The other wing, the barnburners, took exception to this action of the hunkers, and issued a call, signed by a majority of the democratic members of the legislature, for a State convention, which also chose delegates to Baltimore. The national convention refused to admit either delegation to vote on the nominations for president and vice-president. The choice of Lewis Cass for the presidential candidate was very offensive to the radicals of New York, and they met in State convention May 22, and put Martin Van Buren in nomination for president. The selection of General Zachary Taylor by the whigs as their candidate for president was an offense to a large element among them, and the addition of Millard Fillmore for vice-president contributed to the dissatisfaction of many of the freesoil wing. Since his unsuccessful canvass for governor, Mr. Fillmore had been elected comptroller, and attained prominence as a conservative, showing no sympathy for the opposition to slavery to which the people were giving expression, and insisting on the strict observance of the compromises of the constitution. When, therefore, a national convention was held in Buffalo, August 8, dissentients from both parties, representing nearly all the free States, were in attendance, and they adopted a platform opposing the extension of slavery to the territories, and nominated Martin Van Buren for president and Charles Francis Adams for vice-president.

The canvass was able and vigorous throughout the free States upon the lines laid down in Buffalo; but the freesoil movement became formidable only in New York, and its electoral votes decided the result. The canvass was in this sense a struggle in that commonwealth. General Taylor received in the State 13,899 fewer votes than were given to Henry Clay in 1844; and yet in the electoral college the full weight of the State was cast for him, and constituted the whole of his majority. This was due to the fact that 120,497 ballots were cast for Van Buren, and only 114,319 for Cass. For the time the democratic party of New York was rent in twain, and the whigs held easy sway. They elected as governor Hamilton Fish, chosen the previous year to fill a vacancy in the office of lieutenant governor. He had served in both houses of the legislature, and for one term in congress. With a liberal education and popular though dignified manners, he possessed solid qualities of prudence and decision and foresight. He was chosen in 1851 to the United States senate, and won honorable and enduring distinction in the cabinet of President Grant as secretary of state from 1869 to 1877.

An incident in the canvass of 1848 was a liberty party convention held in Buffalo, in January of that year, which put Gerrit Smith in nomination for president. This party refused to recognize property in man, and asked the government to act immediately for the extirpation of slavery. Beriah Green, a scholar and a preacher of remarkable logical force, was a leader in the movement, with William Goodell, who was its candidate for governor; but Gerrit Smith himself was the controlling figure, and notable in many ways. Inheriting vast tracts of land in central and northern New York, he gave away a large share in small parcels to actual settlers. He was a pioneer in the anti-slavery movement, in which he took the most advanced position. In later years he gave freely to aid in making Kansas a free

State, and John Brown had much of his money, although it was not given with a knowledge of the attack on Harper's Ferry. To the war for the Union his gifts were munificent, and at the close he signed with Horace Greeley the bail bond of Jefferson Davis. Esteemed and beloved by his neighbors, the only political position he ever occupied was that of representative in congress, to which he was elected in 1852, but resigned because its duties were not congenial to him.

The death of President Taylor, July 9, 1850, elevated Millard Fillmore to the executive chair, and greatly affected the condition of parties in New York. William H. Seward had been chosen to the national senate with the accession of President Taylor. His friends, the freesoil whigs, had been treated with consideration in the assignment of the federal offices in the State. Mr. Fillmore made haste to remove many of them, and to give preference to conservatives, or, as they came to be called, "silver greys." The compromise measures of 1850 and the demand by the South for the rigid enforcement of the fugitive-slave law, afforded pronounced lines of division. The rescue of a fugitive slave from the federal officers by a mob in Syracuse gave local color and intensity to the popular excitement. The advocates of free soil demanded positive restrictions on slavery in the territories, and the legislature passed strong resolutions to that effect; while the conservatives held, with Daniel Webster, that it was not necessary to reënact the laws of nature, which would prevent the establishment of slavery in the domain in controversy. The effects of the divisions were not fully felt in November, 1850, when Washington Hunt was elected governor by the whigs, by the scant majority of two hundred and sixty-two, over Horatio Seymour, for whom the democrats cast their united strength.

But in 1852 the wreck of the whig party was utter and final, due to its failures to obey the positive injunctions of popular sentiment. Mr. Fillmore was a candidate for president before the national convention, but from all the free States he received less than twenty votes on any ballot. The contest was long and doubtful, and while on the first ballot he received one hundred and thirty-three votes, which was more than was given to any competitor, on the fifty-third and final ballot his votes were one hundred and twelve; while to General Winfield Scott one hundred and fifty-eight were given, conferring the nomination. On that ballot Mr. Fillmore commanded only seven from his own State, and from all the other free States only three from Connecticut and three from Iowa.

In larger measure than his predecessors in candidacy, he was made to feel how little hold he had even on his own party at home, and how weak was State pride in the conflicts of parties. The platform, however, commended the distinctive features of his administration. In the democratic party, William L. Marcy had hopes of the nomination for president, and received some votes in the convention. In his private correspondence he expressed the belief that he could have been successful but for the opposition of Daniel S. Dickinson. Governor Marcy afforded another example of the fatal effects on candidates of the factional divisions in New York. The canvass of 1852 in this State was conducted on lines wholly different from those of 1848 and 1856. The overwhelming defeat of General Scott, notwithstanding his military record, indicated the condemnation of the compromise measures, and was in New York the end of any reasonable hope of conducting parties on that basis. The lesson taught to the democrats in 1848 was in 1852 impressed on the whigs, who thereafter disappeared from State and national politics.

While Franklin Pierce received the electoral vote of the State, Horatio Seymour was chosen governor. He entered the assembly in 1841 as the pronounced friend and ally of William L.

Marcy, and in the session of 1844, in a report as chairman of the committee on canals, he argued with force and eloquence in favor of a liberal policy of enlargement, and constituted himself the champion of the Erie Canal, waging its battles in the press and on the platform until all tolls were abolished, largely in response to his appeals. As speaker of the assembly, in 1845, he exhibited urbanity and grace, with promptness and vigor. He had taken no share in the faction fights within his party, and was chosen its candidate for governor in 1850, when defeated, and in 1852, when successful as the architect of harmony.

The enlargement of the Erie Canal and the construction of the laterals were progressing in spite of opposition and obstacles. A new element, which had been for some time taking form and strength, was now organized to compete in carrying freight. The Erie Railway was built rather as an ally to the canal interests, to secure popular support in the southern counties. Railroads had also been constructed in many parts of the State. It was in 1853 that a policy was adopted for enlisting railroads as an important factor in securing the trade of the West, and holding the chief currents of domestic commerce parallel with the Erie Canal. This was the union of separate lines, changing passengers and freight at their termini, into a continuous railroad, first from the Hudson to Lake Erie, and soon from the sea at New York to the great lakes.

The charter granted in 1826 for a railroad between Albany and Schenectady was not fruitful of others until that road was opened in 1831. Then charters began to multiply. Utica and Schenectady were connected by charter in 1833 and by rails in 1836; Auburn and Syracuse, by charter in 1834, by rails in 1838; Schenectady and Troy, by charter in 1836 and by rails in 1842. In 1836 also charters were granted for a road from Syracuse to Utica, opened in 1839; from Auburn to Rochester, opened in 1841; and from Attica to Buffalo, opened in 1842. The Tonawanda road, chartered in 1832, was also opened in 1842. A road from Lockport to Niagara Falls was chartered in 1834 and opened in 1838. These were all local enterprises, and, as separate organizations, could do through business only with frequent changes and at heavy cost. As travel and traffic increased, the inconveniences were found to be insufferable. The demand for consolidation came from the business community as well as from the railroad managers. Yet apprehensions of the vast power of the corporation were not concealed when, by act of April 2, 1853, the New York Central Railroad Company was organized, and consolidated these local roads, and entered upon its career with vastly increased facilities for carrying through passengers and freight. A condition of the act was that the road should pay to the State, on the freight transported, the same tolls as were collected on the canal, but this requirement was soon repealed. The New York and Harlem road, chartered in 1831, and the Hudson River road, chartered in 1846 and opened in 1851, subsequently passed into the control of the same company.

This process of consolidation led to the growth which has given to that company four tracks and manifold extensions; and in 1885 to its absorption of the New York, West Shore and Buffalo Railroad, with two tracks for a part of the route; and to competition by other lines, all contributing to the development of the commonwealth, and to the commerce of its chief city. The magnitude of the trade is coldly stated in the tons carried in 1885, which were, by the canals, 4,731,784; by the New York Central Railroad, 10,733,499; and by the New York, Lake Erie and Western, 14,959,970. These figures exhibit the through traffic to and from the West, of which the most sanguine projectors of the Erie Canal had but a dim conception, and they also include the movement of the products and the purchases of the thrifty millions of the commonwealth.

Illustrating the progress especially of New York city and its grasp for relations with all the earth, was the World's Fair, which was organized as soon as London in 1851 set the example of such exhibitions, and was the second in a list now including many. The New York Crystal Palace, with its display in 1853 and 1854, was creditable to the private enterprise which projected and maintained it, and was a potent teacher to the thousands who visited it, while its contents showed both the achievements and the deficiencies of American artisans.

The commonwealth was considering also other subjects. Maine had enacted its first law of prohibition in 1851, and its example attracted much attention in New York. In the session of 1854, the legislature passed an act for the suppression of intemperance, which aimed to prohibit the sale of intoxicating drinks. To it Governor Seymour interposed his veto March 30, 1854. He had in his annual message referred to the discussion before the people on the subject, and said that care should be taken to adopt measures "not in conflict with well-settled principles of legislation, or with the rights of citizens." This act he pronounced unconstitutional, unjust and oppressive, providing for "warrants obnoxious to all the objections urged against general warrants, and conflicting with our bill of rights." It proposed to take property and make arrests without due process of law, and established unusual and severe penalties. He said, if the act became a law, "it would render its advocates odious, as the supporters of unjust and arbitrary enactments; its evils would only cease upon its repeal, or when it becomes a dead letter upon the statute book." The governor went beyond a veto of the particular act, and declared his belief "that habits of intemperance cannot be extirpated by prohibitory laws; they are not consistent with sound principles of legislation; like decrees to regulate religious creeds or forms of worship, they provoke resistance where they are designed to enforce obedience." Intense excitement arose over this veto, and its author was severely denounced from the pulpit, as well as in the press; for the assumption was general that the act, at least in its principles, was the sure cure for the evils of intemperance. It became a leading issue in the State election of that year.

Parties were in a chaotic condition. In November Governor Seymour was presented as a candidate for reëlection, but nearly one-fifth of the democrats at the polls supported Greene

C. Bronson. A party called the "American party," because it advocated the restriction of political honors to native citizens, and "know-nothings," from the answer given by its members to inquiries relative to their secret gatherings, now arose to prominence, with Daniel Ullman as candidate for governor. The whigs were not represented in the canvass; but Myron H. Clark was presented by a fusion convention, which put prohibition forward as a leading measure. The returns show the divisions which existed. For Mr. Clark, who was elected, the votes were 156,804; for Mr. Seymour, 156,495; for Mr. Ullman, 122,282; and for Mr. Bronson, 33,850.

The legislature fulfilled the pledges on which a majority of its members were chosen, by the passage, April 9, 1855, of a rigid prohibitory law, under the title, "An Act for the prevention of intemperance, pauperism and crime." It permitted the sale of liquors for mechanical, chemical, or medicinal purposes, under strict regulations, but prohibited the traffic for other purposes. Its provisions for search, for prosecutions, and for the destruction of forfeited liquors, were very stringent. The statute gave rise to a great deal of litigation, and many cases were carried to the court of appeals, where it was declared unconstitutional in March, 1856.

The decision held that, in so far as the act related to liquors owned within the State when it went into effect, it could not be sustained, while the legislature might establish restrictions for liquors subsequently manufactured or imported. The act was also pronounced defective in that it took away from offenders the right of trial by jury. The decision led to a revulsion of feeling, and the great controversy over slavery for the time overshadowed every other subject. The legislature in 1857 enacted stringent license laws, regulating the sale of intoxicating liquors, and these have been subjected to successive amendments. They have been enforced with varying efficiency, according to the demands of public sentiment in the several localities.

The commonwealth was intensely stirred by the operations in Kansas and Nebraska, and by the attitude of Southern leaders relative to slavery. The republican party was organized with the avowed purpose of restricting that institution to the States where it existed, and in New York as elsewhere the new party included many democrats, especially of the freesoil wing, with the larger part of the whigs. The American party maintained its organization. The latter in 1856 selected Millard Fillmore as its candidate for president, and he received at the polls in the State 124,604 votes; while James Buchanan received 195,878, and John C. Fremont 276,007. John A. King was chosen governor by almost as great a plurality over Amasa J. Parker and Erastus Brooks. While twenty-five per cent. of the votes in the Union were cast for Mr. Fillmore, he received only two per cent. of the presidential electors, — eight from Maryland. New York had declared how intense was its disapproval of the course which the administration of Mr. Buchanan was sure to pursue.

New York was in these years typical of the national sentiment. Its people were by a large majority disposed to let slavery alone in the States where it existed, but they would not consent to its extension to new soil, nor would they assist in returning fugitive slaves, nor permit them to be taken back to their masters. They believed that the Southern leaders were using the national government to promote the interests of slavery, and to deny to the free States their equal share of power in the Union. The inhabitants of New York were an eminently practical people, but a passionate love for liberty was fundamental with them. They had sacrificed at all times for the Union more than any other commonwealth, and they prized it on that account all the more highly. The practice was common to denounce the abolitionists who sought to meddle with slavery in the States, and at the same time to reckon no sacrifice too great to make the republic the safeguard of freedom on the national domain.

The panic of 1857 struck New York with quite as much severity as any other part of the country, but business went on, and there were marrying and giving in marriage, and progress, measured by long intervals in every direction, was nowhere more marked. The population, in 1840 only 2,428,921, rose in 1850 to 3,097,394, and became in 1860 3,880,735. Wealth, production, culture, society in its graces and display, marched with even greater strides.

It was no mean commonwealth, therefore, which steadily, without passion, but with intense determination, at the polls, by the voice of its governor and legislature, by its press and its pulpit, always after 1854 protested that slavery must go no farther, that all new States must be free, and that the spirit of the national government must be led back to the Declaration of Independence and to the constitution. No other State held, by its trade, by its insurance companies and by its journals, such close relations with the South as did New York. No other State had such vast interests involved in maintaining friendship with the Southern people. Yet no other State moved more steadily forward in obedience to principle ; and no other sacrificed so much at the outset, and through the whole continuance of the struggle, for a united republic uncontrolled by slavery.

Events moved rapidly. While the administration in Washington was carrying out the policy of the Southern leaders, New York renewed, at each election and on every occasion, its firm protests. In 1858 Edwin D. Morgan was elected governor, while the democrats, the Americans, and the abolitionists had candidates before the people. Governor Morgan had earned wealth as a merchant, and enlisted heartily in the duties of a citizen. He had served in the State senate from 1843 to 1853, where his prudence and solid worth gave him eminence. He was again to be elected governor in 1860, and his admirable powers of organization and his devoted patriotism were of immeasurable advantage in giving to the Union at once the full resources in men and money of the greatest of the commonwealths.

In the national senate Preston King, representing the freesoil element in the republican party, sat with William H. Seward. In the house of representatives the New York delegation included Martin Grover, Elbridge G. Spaulding, Reuben E. Fenton, Francis E. Spinner, Daniel E. Sickles and others, who were manifesting the ability and merits which gave them influence and distinction.

The old era was drawing to its close; a new era was dawning on the republic, and therefore upon the commonwealth.

CHAPTER XXXVII.

THE WAR FOR THE UNION.

1860–1865.

WILLIAM H. SEWARD was the master architect of the republican party in New York. His voice had proclaimed its principles; his counsel had been controlling in its affairs. In the details of politics he was aided by Thurlow Weed, editor of the "Albany Journal," full of resources, adroit, constructive and brave. Horace Greeley, who since 1841, in the "New York Tribune," had fought the battles of the whig party and then of the republican party, and had been especially vigorous against the extension of slavery, had also been an intimate friend and supporter of Mr. Seward. But he had found cause to announce the dissolution of the political firm of Seward, Weed and Greeley, and was no longer disposed to advance the political interests of Mr. Seward. While the State sent a united delegation to the republican convention in Chicago, to nominate Mr. Seward for president in 1860, Mr. Greeley appeared by substitution as a delegate from Oregon, opposed to that selection.

Personal rivalries, which afforded ground for adverse argument, and the conduct of the legislature of New York, largely composed of the friends of Mr. Seward, proved a source of weakness to his candidacy. In New York city many street railroads were built with special charters. These, like the bank charters of earlier days, were granted as political favors; and members of the legislature were charged with sharing in the stock, or even accepting bribes in money for their votes. The roads were then regarded, as they proved to be, sources of large profit, and the proposition was made to offer the franchises for sale, or to require a percentage of the earnings to be paid into the city treasury. The scandals were grave and numerous, and an attempt to justify the granting of the charters, as a means of raising funds for political purposes, gave new weapons to the opponents of Mr. Seward. While he had no share or lot in the matter, his friends were the chief promoters, and the deduction was forced home that like influences might surround a national administration with him at its head.

The democrats in the national senate, with the exception only of Senator Pugh of Ohio, who voted in the negative, and Senator Douglas, who was absent on account of sickness, had declared that "neither congress nor a territorial legislature possessed the power to impair the constitutional right of any citizen to take his slave property into the common territories, and there hold and enjoy the same while the territorial condition remains." The national convention had met in Charleston, and after a sharp struggle over the platform had adjourned to Baltimore, and there later nominated Stephen A. Douglas for president, while a convention of seceders from that body put John C. Breckenridge in nomination, and the constitutional Union or American party selected John Bell as its candidate.

Such divisions in the opposition, already apparent, gave great confidence to the compact and earnest republican party that success would await it in the November election ; and the delegation from New York not only united in favor of Mr. Seward, but enthusiastic for his nomination, felt that he and the commonwealth were entitled to that distinction at the hand of the party which they had done so much to construct. The three ballots which overthrew their hopes, and placed Abraham Lincoln before the people as the candidate, once more took away from New York the prize of the presidency, which so many of its sons had tried to grasp. Mr. Seward threw the whole weight of his great influence for the election of Mr. Lincoln and the triumph of the principles which he represented, and then toiled most diligently in the continental conflict in their behalf, in a position only less distinguished and important than that of president.

In New York, as elsewhere, a fusion electoral ticket was made up between the supporters of Douglas and Breckenridge, and the contest was for a time doubtful, but the returns showed for Lincoln a majority of 50,136, and Edwin D. Morgan was reëlected governor by a majority of 63,460. Before the election, indications were not lacking that resistance would be made to the authority of the national government in case of the election of Mr. Lincoln, and the people voted with that contingency threatening them.

When the election was over, far-seeing men in New York sought to calm the excitement of the Southern leaders, and to put them in the wrong if they should carry out their threats. Leading editors indulged in assurances meant to strengthen the hands of the Union men at the South. Friendly toleration was extended to the well-meant efforts of Senator Crittenden to frame a compromise. On the invitation of

Virginia the legislature of New York, containing in the senate twenty-three republicans to nine democrats, and in the assembly ninety-three republicans to thirty-five democrats, sent a strong delegation to a peace convention held in Washington, February 4, 1861, which submitted a report to congress never to be acted on. Meetings were held in various parts of the State to express a desire to maintain peace in any honorable way. The commercial interests were averse to civil war, and while many merchants were leaders in loyalty, some also were ready for adjustment at any cost.

Promptly, January 11, the legislature passed resolutions, with only one dissentient vote in the senate and two in the assembly, tendering to the national government whatever aid in men and money might be requisite to uphold its authority. These resolutions beyond question expressed the overwhelming preponderance of sentiment in the State. They were met, however, by memorials numerously signed, especially in New York city, asking congress to adopt some measure of settlement, and by meetings, two of which were notable. January 28, at Cooper Institute in New York, a large meeting, addressed by eminent men of both parties, designated James T. Brady, Cornelius K. Garrison, and Appleton Oaksmith as commissioners to visit South Carolina, Georgia, Florida, Alabama, Louisiana, and Mississippi, "to confer in regard to the measures best calculated to restore the peace and integrity of the Union." The most significant protest was uttered by a gathering in Tweddle Hall, Albany, January 31, where Amasa J. Parker presided, and the chief speakers were Horatio Seymour, ex-Chancellor Reuben H. Walworth and James S. Thayer. The resolutions declared that "civil war will not restore the Union, but will defeat forever its reconstruction." Judge Parker pleaded for conciliation, concession, and compromise. Ex-Governor Seymour, referring to the national capitol, said: "It has well been likened to the conflagration of an asylum for madmen: some look on with idiotic imbecility, some in sullen silence, and some scattering firebrands which consume the fabric above them, and bring upon all a common destruction. Is there one revolting aspect in this scene which has not its parallel at the capital of your country? Do not you see there the senseless imbecility, the garrulous idiocy, the maddened rage displayed with regard to petty personal passions and party purposes, while the glory, the honor, and the safety of the country are all forgotten?" Mr. Seymour also questioned "if successful coercion by the North is less revolutionary than successful secession by the South." Mr. Thayer proclaimed: "If a revolution of force is to begin, it shall be inaugurated at home." Such utterances were not generally commended then, but they were repeated in some quarters; and at a meeting in Utica, in October of the same year, Mr. Seymour took the ground that, "if it is true that slavery must be abolished to save the Union, then the people of the South should be allowed to withdraw themselves from that government which can not give them the protection guaranteed by its terms."

The authorities of the State did not hesitate, and the people ran before all the demands upon them. When Fort Sumter fell, and President Lincoln called for 13,000 volunteers as the quota of New York in the first levy of 75,000, the legislature at once conferred abundant powers on the governor, appropriated $3,000,000 for war purposes, and authorized the enlistment of 30,000 men for two years, instead of three months as proposed by the president's proclamation. By the first of July the commonwealth had 46,700 men in the field, of whom 8,300 were enlisted for three months, 30,000 for two years, and 8,400 for three years; and this number was raised before January 1, 1862, to 120,361, already one out of six of the able-bodied men of the State.

The State arsenals, which were empty when Sumter fell, were supplied with 19,000 Enfield rifles bought abroad with money voted by the legislature. Individuals, banks, insurance companies, placed their resources at the service of the government, and the secretary of the treasury reported that, of $260,000,000 in loans, New York advanced $210,000,000.

The uprising of this period was only less than universal. Women and children encouraged brothers and husbands and fathers. The struggle in families and in establishments was not who should enlist, but who should be compelled to stay at home. The officers of volunteer and militia companies became drill masters where the regular army could not furnish them. Old men and boys concealed their age so as to be mustered in as soldiers. Companies organized in a day went into camp before the end of the week. Recruits anxious for the support of their families received guarantees for their care from their neighbors, and gifts of side arms and horses and personal comforts were so profuse as to become burdens. The first flush of an era of heroism was upon the people, and the commonwealth counted neither cost nor sacrifice in its determination to save the Union. Nowhere else was zeal more fiery, nowhere else was there more profound recognition of the principles involved and of the immense duties resting on loyal citizens. A few incidents occurred of patriotic excesses. The offices of some newspapers in New York that hesitated in support of the government, were compelled to display the national flag, and there and everywhere the stars and stripes beautified the scene and added to the expressions of loyalty.

While the republicans were in unquestioned majority in the State, they invited, at the election of 1861, a union of all who supported the war against the rebellion, and State officers were chosen by a majority of over one hundred thousand. Criticism on the conduct of the war led to reaction, and under the burdens, unusual and heavy, some restlessness was exhibited. The depression consequent on the defeat at Bull Run, the retreat of McClellan, and the delays and the disasters to the Union forces, shocked the confidence of the people, who looked for quick and decisive operations. Mr. Lincoln's proclamation of September 22, promising emancipation, also for the moment produced hesitation and doubt. The soldiers in the field were not counted at the ballot box, and in November, 1862, on a total vote 72,610 less than that cast in 1860, Horatio Seymour was elected governor over General James S. Wadsworth by a majority of 10,752.

This election was a protest against the conduct of the war, not against the war itself, although Mr. Seymour received the support of those who were anxious, in the phrase of the day, for "peace at any price." In accepting the nomination for governor he declared: "This war can not be brought to a successful conclusion, or our country restored to an honorable peace, under the republican leaders." In the same speech he said: "The scheme for an immediate emancipation and general arming of the slaves throughout the South is a proposal for the butchery of women and children, for scenes of lust and rapine, of arson and murder, unparalleled in the history of the world. The horrors of the French revolution would become tame in comparison. Such malignity and cowardice would invoke the interference of civilized Europe." He protested against the arbitrary measures adopted by the national government, such as, in the opinion of the authorities, the exigencies of the struggle rendered imperative. Yet, with emphasis increasing as the canvass advanced, he proclaimed the duty of maintaining the Union and carrying on the war to that end; while General Wadsworth was regarded as favoring the radical policy which very soon the government was compelled to adopt.

Recruiting flagged in the autumn of 1862, and a draft was ordered on the eve of the election. It contributed to the political change which made Mr. Seymour governor, and a continuance of the conscription imposed on him his most difficult duties. He insisted that the State had not received proper credit for the men that it had sent into the field, and he intimated that undue quotas were assigned to democratic districts. The drawings were several times postponed for examination of such claims, but were begun July 11, 1863, in the ninth congressional district, New York city, and after a day's progress closed quietly.

The next day was Sunday, and it was employed for stirring up the turbulent elements and organizing violence. The city had before shown that it contained the elements out of which mobs arise. In 1788, when the skeletons used by medical students in the city hospital and buried in its yard were unearthed, it was easy to arouse the passions of the ignorant to the point of mobbing all doctors who could be reached. The riots of 1834 against the abolitionists, of the stone-cutters in the same year against prison labor, the Irish-American brawl of 1835, the bread riot of 1837, the disturbances between the friends of the actors Forrest and Macready in 1849, and the collision between the two police forces in 1857 in the mayoralty of Fernando Wood, might well suggest to desperate minds a means of breaking the power of the loyal North. Conspirators were doubtless busy in New York, and the friction and restlessness under a draft alleged to be unjust gave them their opportunity. An anonymous handbill was circulated evidently meant to incite an insurrection on the fourth of July, but the jubilations over the victories at Vicksburg and Gettysburg called the loyal multitudes into the streets and prevented it. When the "Daily News" charged that "the evident design of those who have the conscription act in hand in this State is to lessen the number of democratic votes," and that "one out of about two and a half of our citizens are destined to be brought over into Messrs. Lincoln & Company's charnel house," all the conditions were prepared for an explosion, in which the lawless classes should revel, and create a movement drawing to it men exasperated and therefore reckless. In various parts of the State, gatherings of disaffected persons took place, and mutterings were heard threatening the transfer of the war to Northern soil. The number of the disloyal was small, but they were active, and at this time were more free of speech than before or after.

When, July 13, crowds gathered about the provost marshal's office, at the corner of Third avenue and Forty-sixth street, New York, they included such disloyalists and criminals, with many honest citizens who had been forced to move with the gathering multitude. The first violence was the throwing of a paving stone through the window into the office where the draft was in progress. The shattering of the glass was the signal for other stones thrown at the officers, and then for a rush of the mob, utterly wrecking the place and the desks and papers; and one of the assistant marshals, Lieutenant Vanderpoel, was badly beaten. Turpentine was sprinkled over the floor, and the whole building, of which the upper part was used for tenements, was burned to the ground. The rioters had taken possession of the hydrants, and for some time prevented the fire department from using them, and they assaulted and maltreated the superintendent of police.

From this scene of their triumph the rioters scattered in their work of rapine and arson. During the day and the night they sacked and burned houses, and robbed and murdered at will. They attacked an armory on Second avenue to seize the weapons which it contained, and, with the loss of five or more killed, drove out the police, took the arms and burned the building. The office of the provost marshal at

Broadway and Twenty-eighth street was sacked, and the whole block destroyed by fire. The mob, gathering numbers and fury, swept forward to the lower part of the city, and a detachment broke up the desks and counters in the business office of the "Tribune," but was scattered by a dashing movement of the police.

The colored people were the particular victims of the brutal crowds. Men, women, and children were beaten and abused, and instances occurred where a victim kicked and knocked to death was hung to a tree, and a fire kindled under the suspended body. The colored half-orphan asylum on Fifth avenue was entered, the nurses and children maltreated and driven out, and the edifice burned. Into hotels and restaurants, where colored waiters were employed, the mob rushed with wrath and fury.

The police fought gallantly against the mad thousands, with varying success, sometimes repulsed with loss of life or limb, but generally victorious in the bloody conflict. A company of fifty marines sent to quell the disturbance in the ninth district, firing with blank cartridges, was set upon by the rioters, and several killed, and nearly all the others badly bruised.

While the draft was the occasion of these dreadful scenes, the evidence of plan and leadership was such as to indicate a broader purpose than to check its progress; the murder of the colored people sprang in part also out of the mad prejudice of the foreign-born inhabitants. The success of such a mob in the chief city of the North would have been a victory for Lee's army, then invading Pennsylvania. By noon, General John E. Wool, in command of the Department of the East, issued a call to veteran soldiers in the city to volunteer for the suppression of the riots. Governor Seymour, having reached the city on Tuesday, issued a proclamation declaring that "riotous proceedings must be put down," and reminding citizens that the "only opposition to the conscription which can be allowed is an appeal to the courts." On the same day he declared New York city in a state of insurrection, and gave notice "that the means provided by the law of this State for the maintenance of law and order would be employed to whatever degree may be necessary."

But the mob was still in practical possession of the city. It kept on killing colored people and destroying property. The stores were closed and all business interrupted, and the stopping of the running of stages and street cars gave a funereal aspect to the town. The citizens were, however, defending their homes and establishments; volunteers were organized, and troops were beginning to arrive; for the national government was aroused, and Secretary Stanton had ordered to the spot the New York militia regiments in service in Pennsylvania, sent thither on Lee's invasion. Tuesday afternoon the military began to make itself felt. Lieutenant Wood, with one hundred and fifty regulars from Fort Lafayette, dispersed a crowd of two thousand at Grand and Pitt streets, but not without killing at least twelve, and wounding many more. Colonel O'Brien dispersed a like body on Third avenue, but, spraining his ankle, let his command move on, when the crowd turned upon him, and after killing him dragged his body for hours along the street, and delivered it at his home with gross abuses. On Wednesday, large grain elevators at the Atlantic Docks were burned by the mob, and on First avenue, between Eighteenth and Nineteenth streets, a well-organized force confronted a body of infantry. Ten rounds from two howitzers were fired into the crowd, but the mob drove the military before it, and only after a sharp fight were the rioters overcome. In the mean time, the authorities were using all means to lead all the people back to reason, and among other methods Governor Seymour in a brief address to the rioters, appealed for the maintenance of the law. Archbishop Hughes called "the men of New York" to his home by a circular, and on Friday addressed three thousand or more, asking: "Is there not some way by which you can stop these proceedings and support the laws, of which none have been enacted against you, as Irishmen and Catholics?"

On Thursday, Mayor Opdyke announced that the riots, which had for three days disgraced the city, had been in good measure subjected to the control of the public authorities. The power of the city, the State, and the national government had restrained the lawlessness, and gradually affairs returned to their regular order. For some days cavalry patroled the districts where the violence had been most marked, and detachments from the militia regiments were on duty. In his next message Governor Seymour stated that the number of killed and wounded was estimated by the police to be at least one thousand. The destruction of property was not less than $2,000,000. In Brooklyn, also, riotous manifestations occurred, and considerable property was destroyed. In Troy the office of the "Times" was ransacked and its materials ruined, and in Jamaica the like spirit was shown.

The progress of the draft was interrupted in New York and Brooklyn by these mobs, while it went forward in the other districts. Governor Seymour's protest led to a revisal of the enrollment, and President Lincoln ordered modifications August 11, announcing his purpose "to proceed with the draft, at the same time employing infallible means to avoid any great wrong," and finally a deduction of 13,000 was made from the quota originally required of New York. General John A. Dix, then commanding the Department of the East, in a communication to Governor Seymour, expressed himself "very anxious that there should be perfect harmony of action between the federal government and that of New York," and asked his coöperation to see the laws faithfully enforced while the draft was taking place. August 15 Governor Seymour responded that there "could be no disturbances of the public peace which would not be infractions of the laws of the State, and those laws," he said, "would be enforced under all circumstances." General Dix, not satisfied with local preparations for maintaining order, asked the secretary of war for aid, and he sent forty-four regiments and batteries to the city for that purpose. Governor Seymour, August 18, issued a proclamation announcing that the draft was to be made in New York and Brooklyn, admonishing citizens that "the spirit of disloyalty must be put down," and repeating his warning against riotous proceedings.

The results of the draft in the State were disappointing. Of 77,862 conscripts examined, 53,109 were exempted for physical disability or other causes, 14,073 paid commutation, 6,619 furnished substitutes, and 2,557 went personally into the service. During the year 1863, however, nearly 50,000 volunteers were raised in the State and sent into the field.

The discussion over the conduct of the war brought out in New York frank expressions of opinion. The arrests of disloyal persons, and especially of C. L. Vallandigham in Ohio for utterances against the government and the war, prompted public meetings for protest; and to one of these held in Albany, Governor Seymour wrote that " the action of the national administration will determine, in the minds of more than one-half of the people of the loyal States, whether this war is waged to put down rebellion at the South, or to destroy free institutions at the North." Other gatherings were held, in which the people gave unwavering support to the national administration, and while admitting errors and shortcomings, demanded the use of every resource and energy to preserve the Union.

The legislature, adverse in politics, thanked Governor Seymour for securing a reduction in the quota under the draft, and provision was made by generous bounties to meet the call of the national government for additional men, and the State fulfilled the requisitions of 1864, reaching 204,105 men, and closed the year with an excess to its credit of 5,301.

While all the loyal States were prompt and vigorous in care for the soldiers in the field, to New York city, and especially to its women, belongs the credit of organizing on a large scale the popular munificence. Several societies were established for supplementing the work of the government for the relief of the sick and wounded, and for the improvement of the sanitary condition of the camps and hospitals. On the suggestion of these societies, as early as June 9, 1861, was created the United States Sanitary Commission, with its leading officers in New York, but with members in all the loyal States and national in its scope, and reaching far and wide in its beneficent operations. Liberal as were the gifts of the people to this body and to the United States Christian Commission, the commonwealth officially watched over its soldiers in the field. John F. Seymour was appointed general agent, with necessary assistants for that purpose, and a complete system was adopted under his direction. The employment of special surgeons and nurses, the distribution of comforts, and personal attention and sympathy, were even more helpful than the money expended.

The election of 1864, so critical in national affairs, and yet not doubtful in its main result, caused intense excitement in New York. If President Lincoln should fail to be reëlected and the executive authority should thus be laid on General McClellan, the belief was general that negotiations would take the place of war measures, with the result of the separation of the States, or the restoration of the relations existing in 1860. Apprehensions were expressed of both fraud and violence at the polls in New York. General Dix issued an order from the headquarters of the Department of the East, in which he gave warning that rebel agents in Canada designed to "colonize at different points large numbers of refugees, deserters, and enemies of the government, with a view to vote at the approaching presidential election," and afterwards "shooting down peaceable citizens and plundering private property," and stringent precautions were recommended, while persons from the insurgent States were required to register their names, and detectives were set at work to watch suspected persons. The State authorities pronounced this action an interference with the privileges of citizens; and a brigadier general of militia issued an order, which, while directing the national guard to maintain a watch on the Canadian frontier, declared that "the national government is charged with no duty or responsibility whatsoever relating to an election to be held in the State of New York." General Dix felt it necessary to send national forces to the northern frontier; and General Peck, from Buffalo, officially announced that "the government was slow to believe that any considerable force of the rebels would assemble in Canada for the sole purpose of murdering and pillaging undefended towns along the frontier. Such is, however, the fact, and rumor says plans have been matured for the commission of crimes of a blacker character than has marked any former civilization." Governor Seymour issued, November 2, a proclamation appealing "to all men of all political parties to unite with those holding political positions in their efforts to allay undue excitement, soften the harshness of party prejudices and passions, and to avoid all measures tending to strife and disorder." Rumors of a conspiracy to burn the principal Northern cities on election day, and the experiences of the draft riots, led the national government to send General Benjamin F. Butler and General Joseph R. Hawley with an army of 7,000 men, that were kept on steamers ready for service at any point for election day, and the whole of the earlier part of that week. Fortunately peace was preserved.

By an amendment to the constitution adopted in March, 1864, soldiers in the field were permitted to vote just as if they were at home. In order that freedom of choice might be afforded to the men in the field, Governor Seymour sent out democratic tickets, and Secretary of State Chauncey M. Depew provided republican tickets. The soldiers, identified before a provost marshal, enclosed their ballots, with a formal statement of their right to vote, to a citizen in their respective election districts, and the ballots were duly deposited and counted. Allegations were made of false personation, and of forgery of the signatures of the voters and of the provost marshals. The opportunity for manipulating the ballots and for undue influence over the soldiers was great, and only the importance of the choice of the hosts in the field and their undoubted right to be counted in a matter vital to the government, could excuse the adoption of a system which it was so difficult to guard. In the canvass for votes five assistant State agents were charged with conspiring to commit fraud, and were tried before a military commission, against the protest of Governor Seymour and a committee appointed by him in the case of two. One of the five pleaded guilty, and was recommended to the clemency of the court, but he was sent to prison, although afterwards discharged; another was found guilty, and imprisoned for five years. The others were, after long investigation, discharged in 1866 as not guilty.

Order prevailed over the commonwealth on election day. When the votes were counted the electors favoring President Lincoln were found to be chosen by a majority of only 6,749 in a total of 730,721, while Reuben E. Fenton was elected governor over Horatio Seymour by 8,293 majority. Mr. Fenton first entered congress from the Chautauqua district in 1853, and was serving his fifth term when called to the executive chair of his State. Although not an orator, he was diligent and influential as a legislator, and had watched with devotion over the interests of the soldiers in camp and in the field. He was to serve two terms as governor, and in 1869 was to be elected to the United States Senate. He was for years a power in the politics of the State, by reason of his skill in organization, his affable address, and shrewd knowledge of men. He had somewhat retired from political activity before he died suddenly, August 25, 1885.

The discovery of an incendiary plot in New

York city, and the firing of a number of hotels on the night of November 25, 1864, confirmed the belief that the draft riots were part of a conspiracy in behalf of the rebellion. Robert Kennedy, who was one of the persons arrested, and who was hanged, confessed that he was one of eight whose plan was to set thirty-two fires in retaliation for the acts of Union troops in the Shenandoah valley. They were sent by confederates in Canada, and he was escaping to his "command in the Confederacy" when arrested. The success of the Union armies put an end to these plots.

The services of the officers and men furnished by New York adorn many of the chapters of the civil war. If no single person attained to the first rank, a large number filled positions of great importance with eminent credit. In zeal and devotion and gallantry, New York troops were not behind their fellows in any danger or any trial. Wherever the sacrifices and triumphs of the national army or navy are told or sung, their deeds will be remembered and honored.

New York was represented during the war, in the United States senate, by Ira Harris, elected in 1861 to succeed William H. Seward, and Edwin D. Morgan, elected in 1863 to succeed Preston King. The new senators were prudent and patriotic, and represented the loyal sentiments of their constituents. In the house of representatives the delegation contained many members of ability and influence. Besides those already in service, Charles H. Van Wyck, Roscoe Conkling, and Charles B. Sedgwick entered in 1859; William A. Wheeler, Theodore M. Pomeroy, and Erastus Corning in 1861; Fernando Wood (a member in 1841), James Brooks (a member from 1849 to 1853), John V. L. Pruyn, John A. Griswold, Freeman Clarke, and Francis Kernan in 1863; Henry J. Raymond in 1865; and colleagues sat with them hardly less noteworthy as political leaders and as legislators.

Before the war closed, New York sent into the field 448,850 men, for periods varying from three months to three years, and was credited with 18,197 men who paid commutation, or a total of 467,047, according to the records of the war department. The State authorities claimed in addition 6,000 recruits to the regular army more than were allowed in the accounts of the war department, besides 16,213 militia who served thirty days, and for whom no credit was given, as none was given for persons appointed to positions in the regular army and on volunteer staff corps. These claims would raise the number of men to 490,000. The investigation and allowance by the national government were closed by the peace. On the credits granted by the war department, the adjustment of time makes 1,148,604 years of service, or the equivalent of 382,868 men for three years. At the end of 1865, only seven regiments of infantry and two of cavalry remained in the service.

The strain on the commonwealth was such that the census taken in June, 1865, showed a decrease in population of 48,958 as compared with 1860. The amount of bounties paid by the State, counties, and towns, as stated in the official reports of the war department, was $86,629,228, — a munificence without parallel in human annals. At the same time, individual gifts and benefactions flowed with unstinted profusion.

CHAPTER XXXVIII.

WEAKNESS AND STRENGTH OF SELF-GOVERNMENT.

1866–1875.

THE suppression of the rebellion dismissed to civil life the soldiers of the Union. Among these, in larger measure than elsewhere, there were in New York men of Irish birth and Irish blood. They organized in 1866 a movement for the invasion of Canada. They shipped arms to Eastport, Maine, and to Rouse's Point, perhaps for strategic purposes, where custom-house officers seized upon them. A force of from 1,200 to 1,500 men crossed the Niagara River June 1, seized Fort Erie, and, in a stubborn fight with Canadian troops sent against them, held the field at Ridgeway. The ensuing night the whole force was withdrawn. Two prisoners taken were sentenced to death, but saved by the friendly offices of the United States government. The movement was approved by only a part of the Fenian leaders in the State, and their disagreements hastened its disastrous termination. For a while the excitement on the northern frontiers was intense, hopeless, and ill-advised, as the invasion was regarded from the outset.

The people of New York gladly returned to the tasks of peace. Projects were presented for the lengthening of the locks on the Erie Canal, and for deepening its channel, and other plans were carried out for extending the facilities of transportation. The State tax for the support of common schools was increased from three fourths of a mill to a mill and one fourth on the dollar of assessed valuation. Governor Fenton was reëlected in 1866, but in 1868 the power of the State passed into the hands of the democrats. In the democratic national convention held that year Horatio Seymour presided, and favored the nomination for president of Salmon P. Chase, who, as a member of President Lincoln's cabinet, would not be subject to opposition for failure to give loyal support to the government during the war. The convention, however, insisted on making Mr. Seymour its candidate, and in the whirl of excitement he accepted the nomination. The canvass was active, and turned, as Mr. Seymour had foreseen, largely on the relations of parties and persons to the war for the Union, and from these the recent services of General Grant, the republican candidate, enabled him to derive irresistible strength. Mr. Seymour threw all his energy and eloquence into a canvass which was hopeless from the outset ; and while New York gave him its support, he received all told only 80 votes in the electoral college to 214 for Grant. The popular majority in the State for Mr. Seymour was 10,000, while John T. Hoffman, democrat, for governor received 27,946.

Mr. Seymour, who was never afterward a candidate for public office, although he appeared on the platform and in the press as the advocate of his party, devoted himself in larger measure to two departments in which he had already performed efficient labor. He became the zealous champion of the Erie Canal, and devoted much time and effort to protect and promote its interests, and to the day of his death exhibited in its behalf the same enthusiasm that gave him distinction more than forty years before. To the topography and history of the commonwealth he gave study; and in many occasional addresses, and hardly less in conversation with the many visitors who thronged to his home in Deerfield, he dilated on the imperial significance of the natural features of the domain, and on the distinct and strongly marked currents of the events which formed the Empire State. When he died, February 12, 1886, he was lamented, even more than as a politician, as an orator of signal charms and power, as a citizen beloved in private life, and as a New Yorker who loved his State and delighted to praise its beauties and to eulogize its greatness.

The excess of the majority cast for Mr. Hoffman for governor over that cast for Mr. Seymour for president, and especially the majorities returned in New York city, prompted charges and inquiries concerning a new and dangerous power that ruled in elections and in municipal affairs. The government of the metropolis and of all large cities is a problem including at best many elements of radical difficulty. The vast expenditure and large force of officers, the inattention of the citizens best qualified to rule, the conflicting interests, the numerous idle and vicious persons ready to serve any master, and the readiness to use municipal appropriations and offices for political purposes, afford a tempting field to ambition and to greed. Appeal was made to the legislature to intervene to secure order and economy and good government, and statutes were passed for that purpose, which were seized upon by the rings as efficient instruments for their designs. Many thoughtful citizens favored the attempt by non-partisan bodies to diminish the evils from which New York city and county suffered from partisan rule.

The first of these was the board of supervisors, divided in numbers equally between the two great parties. In 1857, by act of the legislature devised by the rings, each voter was allowed to put only six names on his ballot, while twelve supervisors were chosen, and thus a nomination by either party was equivalent to an election, and the term of the members was lengthened to six years. The politicians who managed this board sought added power through the legislature, and soon had municipal affairs at their mercy. Whatever were the irregularities at the polls in 1868, the despotism in the city acquired new scope and dominion by the legislation of the next session. The master spirit was William M. Tweed, a chair-maker, of little education, but with a liberal and social air, and a belief in Walpole's rule that every man has his price, which he was willing to pay. He was member of congress in 1853, but found local politics more profitable and more easily managed than national matters. He was a supervisor from 1857 as long as it suited his purpose, and was four times chosen president of the board. As deputy street commissioner in 1863 he added vast sums to the expenditures of the department, and in 1867 he had himself elected State senator, to direct personally the legislation of his monstrous schemes. He was virtually in control of all the departments of the municipal government, and readily secured certificates that the people desired the measures for which he asked. Tammany Hall chose him for its chief sachem. He gave or refused nominations not only in the city, but in the State. He put his creatures on the bench of the courts in the metropolis, he advanced or crushed political aspirants, and from the taxpayers he drew plunder equal to the revenues of an empire.

In 1868 a new court-house was ordered, with the limit of cost placed at $250,000. It was used as the cover for robberies exceeding $10,000,000, which the contractors drew, and of their drafts they were compelled to pay from fifteen per cent. to sixty-five per cent., and later as much as eighty-five per cent., to Tweed and his allies. The bills were audited by Watson, one of his tools, and were paid by another instrument. Greed grew upon the plunderers; and in 1870, on the plea that the citizens demanded more concentrated responsibility, they secured a new charter, conferring practical control on the mayor, the comptroller, the commissioner of parks, and the commissioner of public works. These were A. Oakey Hall, Richard B. Connolly, Peter B. Sweeney, and William M. Tweed, their real dictator, and they constituted a board of audit with control over all appropriations and with unlimited discretion to borrow money. Fraudulent bills for $6,000,000 were allowed at the only meeting this board ever held, for its powers were at once delegated to the auditor, who acted for Tweed.

With such resources the power of the ring was for the moment absolute. In 1870 it gave John T. Hoffman, for reëlection as governor, 52,277 majority in the city, and 33,116 in the State. It reached out for more complete mastery by purchase of senators and assemblymen. It gave sinecures on the municipal rolls to its creatures in the country as well as in the several wards; and while it imposed tolls on everything on which it was called to act, it exhibited a princely liberality to those who served it in official station or in controlling legislation.

This despotism kept in the auditor's office in New York a record of its robberies, and of the division of its plunder, for it had reduced its business to a system and reckoned on a long lease of power. Under the heading of "county liabilities," Watson put down the shares of each of the robbers as carefully as if the proceedings were as regular and commendable as equity could dictate.

This audacity of crime, the imperial airs of Tweed and his immediate colleagues, and the assumptions of Tammany Hall in State and national politics, invited scrutiny and led to exposure. The long patient taxpayers were stung by their burdens; the citizens grew weary of the rule of such coarse and brutal masters. Claims for credit for organizing the exposure and the resistance are put forth by press and politicians. The marvel is that a great city should suffer such crimes to go on before its eyes; should allow its expenditures and its debt to run up by the scores of millions; should continue to accept such persons as its representatives and its rulers; should tolerate the display of their pleasures and expenditures, of their impudent dictation and audacious defiance of courts and statutes. The end came at last. Patience endured until scores of millions were stolen, and the robbers had intrenched themselves in position.

The accident which always befalls criminals started the slow steps of justice. A clerk in the comptroller's office exposed the frauds, and the "Times" was glad to print the exposure. The aldermen and supervisors challenged investigation; a committee of citizens responded to the challenge, and declared that "the condition of the city finances had served to destroy all confidence in the management of the present officials." September 4, 1871, an indignation meeting was held in Cooper Institute to consider the frauds. The speeches and resolutions demanded the restoration of the stolen money, and the reformation of the city government. A committee of seventy, with Henry G. Stebbins as chairman, was appointed to conduct investigations and prosecutions, and devise necessary changes in the statutes. Charles O'Conor was deputed to act in behalf of the attorney general. Suits were brought against the comptroller, Connolly, who resigned, and in default of bail for $500,000 he lay in jail for some weeks and then after bail went to Europe. Tweed was also arrested and promptly gave bail in $1,000,000, soon afterward resigning his post at the head of public works. Sweeney resigned and fled. Mayor Hall was put on trial, and by the death of a juryman, and then by disagreement of the jury, escaped punishment. After many delays Tweed was twice tried in 1873. On the first trial the jury disagreed; on the second he was found guilty on fifty-one counts, and was sentenced to a heavy fine and twelve years' imprisonment on Blackwell's Island, but the court of appeals pronounced his sentence, which was cumulative, to be illegal. He was discharged in 1875, but was at once rearrested, and held in default of bail on a criminal charge, and also in a civil suit for recovery of $6,537,117. On his way from Ludlow Street jail to his house he escaped, and was carried away in a yacht by confederates. Captured in 1876 in Vigo, Spain, he was returned to Blackwell's Island. In the civil suit a verdict was obtained for the full amount, but only a small part was ever collected. The great culprit died in prison April 12, 1878.

The legislature elected in 1871 ordered the impeachment of two judges of the supreme court, George G. Barnard and Albert Cardozo, and of John H. McCunn, judge of the superior court of the city, for corrupt conduct in their judicial capacity. The offenses extended far beyond the sphere of Tweed's operations, but indicated like greed and disregard of honorable obligations. Judge Barnard was convicted and removed from office ; Judge Cardozo resigned to escape trial ; Judge McCunn abandoned his defense, but was removed from the bench and soon after died, crushed by the disgrace.

The committee of seventy submitted a new charter for New York, designed to secure better government and to prevent frauds ; and it was passed by the legislature, but vetoed by Governor Hoffman, as was also another project devised for the same purpose. Some other acts aiming to protect the metropolis and its taxpayers became laws. The problem of municipal government has in subsequent years commanded much consideration, and charges of peculation and conspiracy have been frequent against persons holding official position, and in 1886 two aldermen were sent to state prison for corruption relative to the franchise of a street railroad in Broadway. The prizes in the city are so many and so great, and the neglect by citizens of their public duties is so general, that the men who make local politics a business are able to maintain themselves in power and to amass wealth, under any system yet proposed.

An incident occurred July 12, 1871, illustrating the extent of foreign feeling, as well as foreign population, in New York. The Irish Orangemen proposed to celebrate on that day the battle of the Boyne, and the Irish Catholics took offense at the parade which was announced. Threats of violence induced the police to forbid the parade, but at Governor Hoffman's request it was permitted. The national guard as well as the police was invoked to protect the procession, but an assault was made, which was repulsed at the cost of several lives lost and several persons wounded. The collision was such as might have taken place in Dublin or Belfast; the rarity of such incidents, rather than their occurrence, is notable, for by the census of 1875 New York city contained 199,084 persons of

Irish birth, and as immigrants most of them of mature years, and that number is greater than was the total population of Belfast, or any other city in Ireland except Dublin, and less than one-fifth below the census of that ancient Irish capital.

While the movement against the Tweed despotism was advancing, New York was brought again into national politics by the selection of one of its citizens as a candidate for president. Criticisms on the administration of President Grant caused in the republican party serious divisions, which in this State at one time threatened to carry away not only many leaders but a large body of electors. Movements began early either to prevent the renomination of General Grant, or, failing in that, to secure the election of an opposing candidate not identified with the democratic party. A national convention of the liberal party held in Cleveland in May, 1872, selected Horace Greeley as such a candidate, and in the subsequent July the democrats in national convention adopted the nomination. The result at the polls was overwhelmingly disappointing to the supporters of Mr. Greeley. In New York as elsewhere, the majority of the voters were unwilling to take the risks of a radical change in the national administration. The State gave Grant 53,456 more votes than to Greeley, while in the electoral college Grant received 300 and all others only 66. Before that college met, Mr. Greeley, broken in mind as well as body, had gone to his grave, adding tragedy to the close of the canvass.

Mr. Greeley is altogether a unique figure in our politics. Born in Vermont in 1811, he came to New York city in 1831 as a printer. He was soon a partner in starting the "Morning Post," the first penny paper in the world, and it led him to bankruptcy. From various newspaper work he earned a livelihood, until in 1841 he founded the New York "Tribune," to which he gave his life, with incidental writing of books on agriculture, on political economy, and the history of "The American Conflict." He served one term in congress, and was a member of the constitutional convention of 1867; he had an ambition for other positions and for that of governor of the State, which, however, his party unwisely refused him. No man wrote more forcibly than he in favor of the tariff, against the extension of slavery, for the maintenance of the Union. Quaint in appearance and manners, and lacking somewhat in worldly wisdom, he was honest beyond doubt, and brave to the last degree. His honesty and his independence stood in the way of the party managers, and there was sometimes an aggravation about the self-assertion of the man, conscious of his genius, which was the secret of not a few personal estrangements. He was in public affairs naturally a censor, and thus he was strongest in opposition. He was free in his criticism of Mr. Lincoln, and he enlisted vigorously in the exposure of the abuses, incident to an immense war and to vast expenditures, which occurred under President Grant, while he had never taken kindly to the choice of military chiefs for president. Intense in his hostility to slavery, he had tried to avoid the war, and in 1864 he was ready to have the government pay for the slaves to secure peace. His readiness in signing the bail bond of Jefferson Davis, after the capture of the rebel chief, was characteristic of him. His selection by the liberal convention as its candidate was natural; his nomination by the democrats was a declaration that they were willing to support the most pronounced opponent of all their principles, for a generation their most formidable antagonist before the people, on the single hope of securing a change in the national administration. Whatever error Mr. Greeley committed in supposing that he could impress his personality on the party that he had opposed so long, and could lead into alliance with it a sufficient number of his former followers to control the election, was forgiven in the sad circumstances that attended his death, November 29, 1872.

In 1872 General John A. Dix was elected governor by 53,451 majority over Francis Kernan. He was a soldier, a scholar, and a statesman. Born in New Hampshire in 1798, he entered the army at an early age, and was a captain when he resigned and studied law. Making his home in Cooperstown, he was elected secretary of state in 1833, and in that office he exhibited excellent administrative abilities, and especially advanced the interests of the common schools. Chosen to the United States senate in 1845, he was faithful and far-sighted in the performance of his duties, while he took the side of liberty in the contests which were arising. Sent as minister to France, he was called, when Mr. Buchanan's cabinet broke up, December 10, 1860, to the difficult position of secretary of the treasury, and electrified the country by an order to the lieutenant of a revenue cutter at New Orleans: "If any man attempts to haul down the American flag, shoot him on the spot." Appointed a major general of volunteers in May, 1861, he was entrusted with important duties in the field, and in positions calling for discretion and courage, as in New York during the riots. He had the gifts to win reputation as an author, and in business he administered large affairs with success. As governor he deserves to rank with the best trained and most competent of the distinguished men who have occupied the executive chair. He met with considerable censure for vetoing in 1873 a bill for allowing towns to vote for the prohibition of the sale of liquors, because he held that, while the principle of "local option" was correct, a distinction should be made, as the act did not, between ardent spirits and the lighter beverages. He cast the whole weight of his office in favor of the movement for reform in municipal, State, and national politics, and was conscientious and upright in all his acts. Renominated in 1874, he failed to secure the hearty support of certain managers of his party, but carried with him into private life the esteem and respect of all parties, and in his death, April 21, 1879, the commonwealth lost one of its most brilliant and versatile and honored citizens.

The successful candidate for governor in 1874 was Samuel J. Tilden, who, after the crimes of Tweed and his partners were exposed, had enlisted in their punishment. In his first message he called attention to the heavy expenditures for repairs on the canals, and recommended retrenchment. Objection had often been urged to the system of repairs by contract, and to the lavish appropriations made in connection with them. A canal convention in 1868 had demanded the abolition of the contracting board, the abrogation of all contracts for repairs, and the prosecution of all persons who had fraudulently obtained money on such contracts. A committee appointed by the legislature of 1867 followed up if it did not prompt these recommendations, and a canal commissioner was put on trial under impeachment for crimes relative to fraudulent contracts and payments, but he was acquitted. The report of the legislative committee, however, showed the schemes by which contractors combined to control prices of work, and to secure appropriations which gave the sanction of law to their operations. Governor Tilden took up and extended the investigation, which he presented in a special message in March, 1875, and asked for a commission to prosecute further inquiries with a view to legal proceedings. Exposures were made by the reports of the commission, and the "canal ring" was vigorously denounced. By "unbalanced bids" on ten contracts, $1,560,769 was collected, by increase in quantities, where the apparent work offered amounted, at the same rate, to only $424,735. The annual expenditures, by a constitutional amendment adopted in 1874, had been limited to the net receipts from the canals in the previous year, and the resources for fraud were thus effectually crippled. Some new statutes were passed to protect the State. Governor Dix had commenced a suit against a firm of contractors for recovery of excess of payments; this was continued, and another was begun, but the State was beaten in both cases. A canal commissioner, an appraiser, some minor officers on the canals, and three citizens were arrested, but the courts were not able to convict them. The canal auditor was suspended for speculation in canal certificates.

Public sentiment was aroused against evil-doing in official station. Belief was accorded to charges which on examination were not sustained. The hue and cry wrought in some cases personal wrong, and the ostensible champions of reform were not always the men of strictest conscience or cleanest hands. The general effect of the process of purification, which extended to national as well as to municipal and State affairs, was to assert a more rigid accountability in office, and a more severe morality in public expenditures. In the midst of some cant, there was the blunt sense of the people pronouncing the use of their money, under whatever name, for political purposes or to advance personal ends, sheer robbery, and many processes theretofore treated as legitimate were in these years brought to an end.

Opportunities for fraud exist under any system in cities, where large sums are expended, and corrupt men combine while good citizens are unwary. Special acts in the legislature lead to like temptations and like dangers. Tweed fortified himself, in his schemes of robbery, behind statutes devised for his purposes, and in the same period railroad corporations sought benefits of doubtful propriety, or even of scandalous character, at the hands of the legislature. Charges of direct bribery were made in the assembly, the author in one case being expelled for failure to produce testimony regarded as adequate, while in another case the proof was so direct as to brand the recipient of $100,000 with disgrace and ruin. When privileges of great pecuniary value are sought from the legislature, without due regard for the interests of the people, the promoters are tempted to offer money for that which will bring wealth to them, and legislators are sometimes found prone to grasp for a share of that which they treat as spoils upon the community.

The odium attached to corrupt legislators and to those who speculate on public contracts and offices, and use the money of the taxpayers to advance partisan interests, is not yet sufficient always to deter men aspiring to be leaders in the State and nation, from seeking wealth and power by such means. As the frequency of exposure and of overthrow increases, some check to crimes of this class may be expected. But under a government by the people, the only security for honesty and efficiency and wise administration must be in the vigilance and zeal and determination of the citizens themselves. No statutes can make up for lack on their part. Their neglect presents the opportunity and therefore the incitement to frauds in municipal affairs, and to corruption in legislation. The ease with which fortunes are amassed, and the readiness with which money is spent in New York, and in less degree in other cities, lead the taxpayers to endure robbery and fraud, rather than perform the constant and close labor essential to secure good government. Temporary uprisings, like that which sent Tweed to prison to die, prove that whenever they choose to do so, the people of even our greatest city can administer their affairs on the highest level of honesty and efficiency.

The standard of morality and honor for legislators is higher now than in the earlier days, but it needs to be enforced with increasing vigor. The immense sums involved in such matters as the reorganization of the Erie Railroad, in franchises in New York city, in contracts on the Erie Canal during their sway, and in other transactions incident to the vast affairs of six million people, multiply manifold the occasions for possible scandals. The steady efforts to substitute general laws for special acts, rights open to all citizens for privileges bestowed on favorites, have been the expression of the sense and conscience of the people. The rebukes administered to politicians who used their places as legislators or their control of offices, to raise funds for partisan purposes and to advance their own ambitions, have been nowhere more pronounced than in New York. Afar off, possibly, but yet as the ideal of the legislator, the duty is proclaimed to separate personal interest in every form from public affairs, and to decide every question of law and every task of office by the bearing of that single question and that individual task on the welfare of the community.

The exposures of combinations in New York city in 1886 to exchange offices for contracts, and to put patronage into pawn to party managers, have led not only to investigations but to the prompt indictment of the accused as common criminals. When such conspiracies can be treated like burglary or highway robbery, the effect must be marked on the conduct of officials and political managers. Bargaining for control of offices may be delicate in phrase or bold in form; if under any guise it can be held to be crime punishable by the courts, ambitious men, however greedy, will be careful to keep out of the prisoners' dock. Public sentiment and popular vigilance have done much to threaten if not to secure such results even in the metropolis.

The New York delegation in the United States senate in this decade consisted of Roscoe Conkling, elected in 1867 and again in 1873 and 1879, and Francis Kernan, chosen for a single term in 1875. Among the representatives, Henry W. Slocum, Samuel S. Cox, Clarkson N. Potter, Noah Davis, Jr., Robert B. Roosevelt, Smith Ely, Jr., Clinton L. Merriam, Stewart L. Woodford, H. Boardman Smith, Clarkson N. Potter, and Walter L. Sessions were among the most active and influential, of those who entered congress at this period. Among their colleagues were also members who in private and public life have conferred honor on the commonwealth.

CHAPTER XXXIX.

IN THE NATION'S SECOND CENTURY.

1876–1885.

WHEN he was governor of New York, Mr. Tilden asserted himself with vigor as head of the democratic party in the State. After the exposure of Tweed he enlisted zealously in his overthrow and a change of control in the government of New York city, and taking up investigations that had let light upon canal contracts, he urged war on the "canal ring," and for both policies he claimed and received credit for the labors of others as well as for his own. The people everywhere were intent on reform in legislation and administration, and he placed himself forward as the aggressive champion of reform. The State democratic convention in 1876 passed a resolution that "the nomination of Samuel J. Tilden to the office of president would secure the vote of New York," and place the canvass on the ground of "national regeneration and reform." Strong and bitter opposition was made to him before the national convention by the leaders of Tammany Hall, but the evil reputation of Tweed and his deeds was used to turn their attitude into a source of strength to Mr. Tilden, who received 404½ votes on the first ballot (492 being requisite to a choice), and 535 on the second ballot. He was presented as the democratic candidate for president less on the party platform than on his own record. He took personal charge of the canvass with a diligence and attention to details exceeding even the adroitness and vigilance of Aaron Burr or Martin Van Buren. With a mass of political literature and of letters in facsimile, and an organization unrivaled in its system and extent, he appealed to the electors, not on the old lines of his party, but almost exclusively on the pledge of reform.

In the republican party in the State there was something of the same personal leadership. Roscoe Conkling, one of the representatives of the State in the national senate, had won distinction for his support of the administration of President Grant, as well as for his qualities as a legislator and his force and eloquence as a political orator, and his friends urged that his own State should present his name as a candidate for president. Resolutions were passed by the State convention to that effect, and promising in case of his nomination the thirty-five electoral votes of New York for the republican ticket. An amendment declaring that "the nomination should be the result of the untrammeled deliberation of the national convention," received 113 yeas to 250 nays from the delegates assembled at Utica, and the opposition was carried to the national convention. There Mr. Conkling received ninety-nine votes on the first ballot, gradually running down to eighty-one on the sixth ballot, when his name was withdrawn. Three votes were cast on several ballots for president for William A. Wheeler, also of New York, and he was promptly selected for vice-president on the ticket with Rutherford B. Hayes. New York gave its electoral votes to Mr. Tilden by a majority of 32,742.

The story of the contest over the choice of president belongs to national history rather than to that of a single commonwealth. In the dispute over Louisiana, Florida, and South Carolina, Mr. Tilden exhibited the secrecy, the diligence, and the persistence which had given him success in the reorganization of railroad corporations, and his direction of the scrutiny of returns left no point unchallenged. With the eye of a detective and the acumen of a special pleader, he sought out every flaw on the side of his adversaries, and he held to his own claims with a tenacity which never relaxed.

He never formally advised or approved of the electoral commission, although in conference with some friends he omitted to object to the bill establishing it, and left them to believe that it had his approval. His position on the subject has thus been matter of discussion among his intimate followers. He refused to take the counsel of those who called for protest by arms or in the courts, but he never recognized Mr. Hayes as president, notwithstanding the choice of the electors, the declaration of the returns, and the formal action of congress and the electoral commission. This contest gave to Mr. Tilden a peculiar position before the country. About him was thrown some of the glamour with which devoted followers have in other lands enwrapped pretenders to the chief executive position, and visitors at his home in Gramercy Park or at Greystone sought him for counsel and influence, and with sincerity and affection gave him the title of "sage." He was never again a candidate for office. His name was presented for president in 1880, but he wrote a letter of declination, and the suggestion and the declination were repeated in 1884.

His career presents in larger measure than in most cases the features of his individual character. He sat in the constitutional conventions of 1846 and 1867, and was a member of assembly in 1846 and 1872. Indefatigable and successful as a lawyer in the class of cases to which he devoted himself, he was studious also in politics of details rather than of broad principles. A disciple of Van Buren and still more of Silas Wright, especially in stringent management of financial affairs, he adhered to the democratic party, and within it overthrew rivals, some of them chiefs in corruption, and asserted his individuality over the organization and its platform. Without the eloquence or popular graces of Horatio Seymour, a man of the closet rather than of the forum, his mastery of the politics of New York was superior to that of any other democrat in this generation, perhaps greater in its individual grasp and force than that of any other man since DeWitt Clinton flourished in the plenitude of his power. At his death, August 4, 1886, national and State honors were paid to his services and his character, while his bequests for libraries and free reading rooms will perpetuate his memory as a public benefactor.

For governor in 1876 Horatio Seymour was nominated on the assurance of friends that he would accept the nomination, but he peremptorily declined, and Lucius Robinson was nominated and elected by 30,460 majority over Edwin D. Morgan. Mr. Robinson was the first governor to serve under the term of three years, fixed by constitutional amendment adopted by vote of the people.

The inauguration of President Hayes did not bring peace in the politics of New York, although he chose William M. Evarts as his secretary of state. While Mr. Tilden and his friends were prosecuting the contest over the election, those in the republican party who held the organization disapproved of the course of the new national administration in its treatment of the southern States and in the declaration of its purpose to maintain the competitive system for appointments in the civil service. The republican State convention in 1877 was attended with unusual excitement. The chairman indulged in sharp criticism of the policy of the national administration, while the resolutions adopted were hostile in spirit, and carefully refrained from expressing the usual courtesies to the president chosen by the party. Upon an amendment declaring the title of Mr. Hayes "as clear and perfect as that of George Washington," and commending "his efforts for the permanent purification of the southern section of the Union, and for the correction of the evils and abuses in the civil service," the convention divided 109 to 295. The division expressed in less degree any judgment upon the points of the amendment, than the factional lines which started from the choice of the candidate for president and the construction of his cabinet. The democrats carried the State in 1877 on the minor State officers that were chosen.

In 1878 the greenback party, which the preceding year had cast only 20,282 votes, was able to give its candidate 75,133, and the republicans secured a plurality of 34,661 for justice of the court of appeals, that being the only office to be filled on the State ticket. The court of appeals, more than once called to decide upon the constitutionality of laws rigidly restricting the sale of intoxicating liquors, sustained in 1878 the "civil damages act" of 1873, which makes the landlord liable for damages consequent upon the sale of liquors in buildings owned by him. The opinion was elaborate and full, and insisted on the principle that "all property is held subject to the power of the State, to regulate or control its use, to secure the general safety and the public welfare."

The legislature in 1879 met in the new Capitol, and celebrated the event by addresses. The edifice was begun under a limit fixed in 1867 that the cost should not exceed $4,000,000. The official statement to September 30, 1885, showed expenditures of $17,310,720, while an additional sum equal to the original limit will yet be required to carry out the plans, and will render the capitol the most costly edifice on the continent. Discussion over its architectural merits, and its adaptation to the uses for which it was designed, has developed widely divergent opinions, while the cost has been pronounced excessive by many critics as well as by public economists.

In the democratic State convention of 1879, a delegation, headed by Augustus Schell and representing Tammany Hall, protested against the renomination of Governor Robinson, and withdrawing from the hall, organized a separate convention and put John Kelly in nomination for governor. The republican candidate was Alonzo B. Cornell, who received at the polls 418,567 votes, while Lucius Robinson received 375,790, and John Kelly 77,566.

The politics of the commonwealth continued to be as "peculiar" as the statesmen in Washington pronounced the operations of New York leaders in the early years of the century. Its affairs, however, moved on healthfully and with general prosperity in social, and business, and miscellaneous interests. Time has not yet thrown into perspective the incidents and events upon which hereafter history will seize as illustrating the life and progress of this particular decade. The activity of industry and literature was remarkable. The progress in art and architecture and society was broad as well as rapid. Inquiry relative to the foundations of the State, the relations of capital and labor, the cure of the evils which attend civilization, the best methods to secure the elevation of the masses, has been radical, sometimes audacious, and yet on the whole suggestive and beneficent. As elsewhere, local disturbances have served to show the unrest of many, and the desire for some change; yet the prevalent feeling has been one of generous effort to improve the condition of those who receive the least share in the wealth which modern production has so marvelously increased. The condition of those who labor with their hands has improved within the last generation in the limits of the day's work, in the comforts purchasable by a day's wages, in the facilities for education of children and for enjoyment for adults, while class distinctions in the State, if not in society, have suffered utter annihilation. Whatever mollification is possible for our common humanity, has the fairest field and readiest opportunity in this commonwealth.

The candidacy of General Grant for election a third time to the presidency, led, in 1880, to discussion and controversy in New York. In the republican State convention, the right of the several districts was recognized to select delegates to the national convention as well as to nominate district presidential electors. That body, however, instructed the delegates from the several districts as well as those at large, " to use their most earnest and united efforts to secure the nomination " of General Grant. An amendment to leave the delegates unpledged was lost, — 180 to 217. Before the national convention assembled, several of the delegates publicly announced that the principle had been established in the convention of 1876, that each delegate possessed the right to vote according to his individual preference, although a State convention might have imposed instructions. Accordingly the New York delegation at Chicago was divided in its choice for president. After the nomination of James A. Garfield, Chester A. Arthur was selected for vice-president, and the State gave its electoral vote to them. On the inauguration of President Garfield, the controversy which arose over President Hayes' cabinet and appointments was renewed with aggravated bitterness. Thomas L. James was designated as postmaster general, while the State was represented in the national senate by Roscoe Conkling and Thomas C. Platt. When

President Garfield sent to the senate the name of State Senator William H. Robertson as collector of the port of New York, in place of Edwin A. Merritt, nominated for consul general to Great Britain, Vice-President Arthur, Postmaster General James, and the two senators joined in a request for the withdrawal of the nomination of Senator Robertson; and when that request was not complied with, Mr. Conkling and Mr. Platt transmitted to Governor Cornell, May 14, 1881, their resignation of their seats in the senate. Both became candidates before the legislature for reëlection, and excitement and discussion arose not only in Albany but in all parts of the State. While the controversy was at its height President Garfield was shot by the assassin Guiteau. The legislature after forty-eight ballots, extending from May 31 to July 17, chose Warner Miller to succeed Mr. Platt, and Elbridge G. Lapham to succeed Mr. Conkling. In 1885 William M. Evarts was elected in place of Mr. Lapham, and in 1887 Frank Hiscock to succeed Mr. Miller.

Charles J. Folger, soon after the accession of Vice-President Arthur to the presidential chair, resigned the position of chief justice of the court of appeals to become secretary of the treasury, and in September, 1882, was nominated for governor of New York. The convention which nominated him was remarkable for its divisions and the agitation which followed it. A member of the State committee was represented by a substitute who appeared on a proxy afterwards shown to be a forgery, and this substitution affected the organization of the convention. The national administration was charged with throwing its influence against the renomination of Governor Cornell, and Judge Folger was denounced as its candidate forced upon an unwilling convention. The revolt at the polls was unparalleled in the chronicles of the State. The eminent services, the high character, the unexceptionable attitude of Judge Folger as an individual, were acknowledged by many republicans who enlisted zealously for his defeat, as a rebuke to what they termed the "dictation of the machine," and as a censure of the national administration. He was defeated by a plurality of 192,854, and the result had broad effect on the current of affairs. Judge Folger continued at his post at the head of the treasury, until his death, September 4, 1884, but he felt very keenly the defeat in his own State. He experienced in his own person how little often the popular vote turns on the ability or services or character of the candidate, and how the drift of parties and the course of events may whelm the innocent when condemnation is aimed at general abuses or tendencies. While not ranking with the foremost statesmen, Judge Folger won honorable rank in the State senate, of which he was a member for eight years subsequent to 1861, as well as in the constitutional convention of 1867, and in a still more eminent degree on the bench of the court of appeals, and for a while as its chief justice. His record as secretary of the treasury was creditable, and his sensitiveness to the result of the election expressed the delicacy of his feelings and his nice sense of honor. Paradoxical as it is, the immense majority against him taught the people to estimate his worth and character at a higher standard than before.

In the democratic State convention in 1882, on the first ballot Henry W. Slocum received 98 votes, Roswell P. Flower 97, and Grover Cleveland 66, while 125 were divided between five other candidates; and on the third ballot Mr. Cleveland was nominated by 211 votes to 156 for General Slocum and 15 for Mr. Flower. The greenback and prohibition parties presented candidates, but the disruption of the republicans gave to Mr. Cleveland his phenomenal plurality, and secured for the democrats a majority in both branches of the legislature. They were also successful in the election of their State candidates in 1883.

In 1884 the State had candidates for the presidential nomination in each of the great parties. Chester A. Arthur sought the delegation from the State, and a combination was made by his friends with those of George F. Edmunds, by which delegates at large were chosen, while of the district delegates a majority favored the nomination of James G. Blaine. In the national convention Mr. Arthur received 278 votes on the first ballot, falling to 207 on the fourth ballot, when the nomination was conferred on Mr. Blaine.

While opposition was pronounced among democrats to the selection of Mr. Cleveland for president, the State convention chose delegates generally favorable to him, and instructed them to vote as a unit, in accordance with the will of a majority. The opposition was expressed in the national convention, and when the vote of New York was announced as a unit for Mr. Cleveland, the statement was made that forty-nine delegates only favored Mr. Cleveland, while twenty-three were divided among other candidates. Mr. Cleveland, however, received 392 votes on the first ballot, and was nominated on the second.

The election in the nation turned on the result in New York, where the incidents in the canvass were many and peculiar. The prohibitionists were active in behalf of their candidate for president. General Benjamin F. Butler made a tour of the State as the candidate of the national greenback labor party. The independents organized in favor of Mr. Cleveland, and in some localities some of those who styled themselves stalwarts took similar action. Mr. Blaine was greeted by great multitudes as he passed westward over the New York Central Railroad, and eastward, later, over the Erie Railroad, and receptions tendered to him attracted much attention. Just before the close of the canvass at a reception by clergymen, in New York city, Rev. Dr. Burchard denounced the democrats as supporting "Rum, Romanism, and Rebellion," and the phrase, it was believed, drove many Irish voters from Mr. Blaine. The result in the State, and therefore in the nation, was for several days in doubt, but the official returns showed a majority of 1,077 to 1,149 for the Cleveland electors. For the second time a citizen of New York was elected president of the United States.

Mr. Arthur was in ill health when he retired from the presidency March 4, 1885. The circumstances which attended his accession to the executive office were trying, and they were met by him in the main with prudence and patriotism. He disappointed some of the partisans with whom he had formerly acted, and disarmed the criticism of those who had been his opponents. His administration was marked by dignity and courtesy, while it closed for the time the control of his party in the national government. If he did not unite his party in his own State, the White House, while he was president, exhibited American society of the type of the richest circles of our largest cities. He retired with a broken constitution, and when he died, November 18, 1886, the judgment expressed was in all quarters kindly; and history, without ranking him with the strong masters of principles and events, will concede him a creditable rank with those who in times of peace have sat in the executive chair.

In 1885, David B. Hill, who as lieutenant governor had succeeded to the executive chair when Mr. Cleveland entered upon his duties as president, was elected governor. Mr. Hill's plurality was 11,134 over Ira Davenport, the republican candidate.

CHAPTER XL.

MASTER IN MANUFACTURES.

1880.

THE inhabitants of New York are a busy people, and their industry is widely diversified. While 377,460 were in 1879 engaged in agriculture, 537,897 were employed in professional and personal service, 339,419 in trade and transportation, and 629,869 in manufactures and mechanical and mining industries. The value of the products manufactured in the State in that year reached the vast sum of $1,080,696,596. Alabama and Georgia report more persons engaged in agriculture, but in the other occupations New York naturally exceeds all the sister States.

The growth of the banks of the State may be expressed in figures, and marks the general progress in all material elements. Previous to the declaration of the second war with Great Britain, June 11, 1812, the authorized capital of twenty banks then existing was $19,165,000. The number of such institutions became 86 in the year 1836, and their capital was $31,300,000, their loans $72,500,000, their deposits $19,100,000, and their circulation $21,100,000. Twenty years later, the number was 303, and their capital $96,400,000, loans $183,900,000, deposits $96,900,000, and circulation $34,000,000. The increase continued after the establishment of national banks, a large part of the State banks entering the national system, and in 1876, 365 banks had a capital of $128,100,000, with loans of $321,700,000, deposits $294,000,000, and circulation of $42,300,000. Ten years later, the reports of 1886 show 411 banks with a capital of $103,900,000 — a falling off during the decade, due to taxation and to a diminution of the rates of profit, and to the use of accrued profits as capital. The loans are much greater, amounting to $469,000,000, while the deposits also reach a much higher figure, $488,800,000.[1]

While banks of discount are measures of the general business, savings institutions indicate the thrift and material improvement of the working people and small capitalists. The first savings bank in the State, chartered in 1819, the third in the country, was the outgrowth of thoughtful and practical philanthropy, and the example was followed, though not at first with rapid pace, for in 1839 only twelve like institutions existed. An addition of thirty was made before the close of 1852. By 1863, the number was 71, and the maximum, 155, was attained in 1873. While the number has fallen to 123 in 1886, the deposits have increased, save only during the intervals of panic. The rate of increase has varied greatly, reaching the highest standard in 1871 and 1872, being $37,156,418 in the latter year, and again mounting up to $34,371,156 in 1881. The grand total of deposits in the savings institutions of the State was in 1863 $76,538,183, in 1873 $285,286,621, and in 1886 $469,622,557. The number of individual depositors is 1,234,241, more than one in five of all the inhabitants of the commonwealth — a proof of the general prudence and forethought, typical of the prevalent habits and character, and of a varied and remunerative production which is the basis of our wealth.

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[1] In his reports (notably for 1876) as comptroller of the currency of the United States, Hon. John Jay Knox, now president of the National Bank of the Republic, New York, presents the banking laws of all the States, and the statistics of all institutions of this class. To these and to his personal courtesy for the latest figures, the reader is indebted for these statistics.

New York city, as the financial center of the continent, performs professional services and acts in trade and transportation for the whole country in no little degree. The monstrous transactions in stocks at the New York Exchange, amounting in 1882 to 116,307,271 shares and in 1881 to a value of $8,197,506,403, include often dealings from all the States. So also the volume of operations in the Clearing House of that city, reaching in 1886 $33,676,830,000, exceeding even those of London, but by reason of difference of methods adjusting a business somewhat less than that of the British capital, is continental and not local. But as it is greater by two and one-fifth times than the clearings of all the other cities of the Union, it expresses the concentration of interests and of activities. It is more than eleven times the total of our national debt at its maximum.

The Stock Exchange and the Clearing House, like the chief port and the center of distribution of the country's commerce, have a special relation to the general activity of the commonwealth. The sea offers harbors elsewhere, as at Norfolk and Newport News, and efforts have been put forth to divert trade to some other point. Nature has found here ready and efficient allies, who have created trade, and established industries, and have built the chief city of America, which is still more intimately the metropolis of its own State.

The vast earnings of the railroads of the State, which were in 1886 $125,160,289, represent through as well as local business. On these roads, other than elevated, in 1885, 1,834,580,425 passengers were carried one mile, and this movement is equivalent to carrying the whole population of the State a mile every secular day in the year.

By such facility of communication access to markets has been rendered both easy and cheap, and the effect has been felt in all branches of industry. Without rich beds of coal providing fuel at hand for large establishments, the commonwealth has multiplied the branches of its production, first where water-power was available, and as steam was introduced, at points where other advantages were secured. In 1880 steam furnished 51.70 per cent. of all the power used, and water 48.30 per cent. The production was therefore due more to the energies of the people than to the special advantages given by nature.

The period succeeding the Revolution, and next the years of the embargo and non-intercourse and the second war with Great Britain, were marked by rapid growth in various branches of industry. With the building of the Erie Canal and the consequent increase of population, industry was further extended and diversified; and the construction of railroads connecting the markets more closely with the food-producing districts, has wrought further in the same direction.

The consequence is, that manufactures are confined to no locality, but are scattered over all the counties. New York city stands first in the country in the value of its annual production and probably first in the world. Twelve of the hundred cities of the Union most largely engaged in manufactures, are in this State. Along the lakes and the St. Lawrence, and from the Niagara River along the southern tier, as well as in the central counties and the valley of the Hudson and in the vicinity of the metropolis, the skill and energy of the people are employed in shop and mill. In value of annual products the commonwealth is first in the aggregate, but in the chief industries first only in chemicals, in ship-building, in flouring and grist mills, in hosiery and knit goods, and in slaughtering and packing of beeves. The features of manufactures in New York are the number of establishments, which were 42,739 in 1879, and still more the wide diversity of production. This diversity permits free exchange in the local markets, while it prevents the disasters which come from exclusive reliance on a single product, and affords occupation for persons of different capacities, inclinations and acquirements.

While New York city stands in some respects apart from the rural districts, as one of the money centers of the world, and by reason of its devotion to domestic and foreign commerce, it is yet occupied in many of the same branches of production, and concentrates many of the industrial features of the commonwealth. That city manufactures annually more men's clothing than anything else, exceeding $60,000,000 worth. Its second industry is slaughtering and meat-packing, not including the retail butchers, at $29,297,527. Third in value are malt and malt liquors, $25,000,000. Then follow tobacco and cigars, exceeding $22,000,000. The vast work of its printers and publishers is only fourth in rank, at $21,696,354, and women's clothing is reported at $18,930,553. Only four other manufactures produce over $10,000,000 a year, and these are foundries and machine work, lard, sugar and molasses, and furniture and upholstering. Other branches in the order of their annual values, are boots and shoes, silks, musical instruments, grease and tallow, flour and grist, shirts, coffee and spices, and jewelry. The wealth of the city's industries is derived in largest measure from multifarious branches, serving the uses of the individual and the family, for convenience and for luxury. The ratio of values of annual manufactures to population is greater in New York city than in New England as a whole, about equal to that in Massachusetts, but less than Rhode Island, and a trifle less than in Philadelphia. Adding commerce and professional services, the comparison is in all cases in favor of New York city.

Local conditions direct the industry in several of the rural counties, so that Onondaga is noted for its salt, while Oneida, Herkimer, St. Lawrence, Delaware, and Cattaraugus send most butter and cheese to market from their factories. Early enterprise and devotion to a particular branch have secured control, so that the little county of Fulton sells nearly $5,000,000 worth a year of gloves and mittens, Rensselaer $6,000,000 of shirts and men's furnishing goods, while Saratoga and Jefferson make paper a specialty, and Dutchess, woolen hats. Westchester in like manner gives much attention to carpets, and Erie produces over $3,000,000 a year in glucose. Cattaraugus leads in lumber and in leather, with Lewis, Oswego, and Chemung close competitors in the latter, and Kings is first in the value of its dressed skins.

While forty counties are more or less engaged in making agricultural implements, Cayuga leads in annual sales, closely followed by Rensselaer. Kings county produces from its foundries and machine shops nearly twice as much in value as any other county after New York, while Erie, Rensselaer, and Albany follow in order. Rensselaer is by far the greatest producer of iron and steel, reaching in annual value $8,702,189, while Dutchess, Onondaga, Clinton, and Albany exceed $1,000,000, respectively, and Oneida approximates that sum. Flouring and grist mills are maintained in all parts of the State, but their products exceed $3,344,000 in two counties only, Erie and Monroe, although Kings, Oswego and Niagara each turns out more than $2,500,000 annually in these industries.

In textile fabrics, cotton, woolen and mixed, Albany is the chief producer, Oneida second, and Columbia third. Monroe leads in quantity of boots and shoes, Albany follows second, with Westchester third, and Oneida fourth. The manufacture of men's clothing is widely distributed, but Monroe produces after New York the most in value, $4,412,000, leading its nearest competitor, Kings, by $1,273,238, while Onondaga, Erie, and Oneida are next, respectively, in annual output. Kings county is the chief brewer, turning out annually over $5,000,000 worth of malt and malt liquors; Albany is second, with over $4,000,000; and Erie and Monroe are next in order. Kings county is also engaged more largely than any other county except New York in drugs and chemicals, paints and varnish.

The commonwealth in 1850 produced about one-fourth in value of all the manufactures of the Union; and in 1860, and since that period, has held steadily to about one-fifth, notwithstanding the marvelous extension of population and of industries in the new States and territories. The statistics are thus verified by repeated experience, and the results are shown to be due to no feverish excitement, but to the normal and persistent habits of the people.

This diversity and extent of manufactures, combined with agriculture, with trade in all its branches, with financial activity, with steady thrift, mark the industrial character of the commonwealth. While specialties are fostered in a few communities, the State as a whole produces almost every article needed by a civilized community; and while it receives all kinds of imports from foreign lands and seeks to return its share of merchandise to foreign markets, it finds its best consumers on its own soil, adjacent to its own farms and dairies, and near the doors of its own factories.

This industrial completeness is the result of a symmetrical and natural development. Driven, like other colonies, by British restrictions to agriculture and its specialty, the fur trade, the commonwealth engaged in manufactures when it cast off its colonial shackles, and its leading citizens were the first in enterprises for developing the gifts of nature and for making full use of its water power. They were apt to take advantage of changes in external relations as well as in national legislation. Many of them were in the early days large land-owners, and they planted shops and mills to draw in population and to add profit to agriculture. When, in later years, capital has sought investment, it has studied the demands of mankind as well as the apparent currents of trade, and has provided for the homes, the apparel, the needs, the luxuries, the tastes, and the intellect of its people. Vast as is the volume of the manufactures of the State, the security for prosperity, the promises of progress, the guaranty against overwhelming disaster, is even more in the rich variety, the marvelous diversity of the articles which skill and taste and enterprise contribute constantly to the comfort, as well as to the wealth of the individual and of society.

CHAPTER XLI.

THE PRIMACY OF NEW YORK.

THE population of New York, which was 4,382,759 in 1870, grew to 5,082,871 in 1880, and although no census was taken in 1885, was not less than 6,000,000 in that year. Of the nations of the world only fourteen have more inhabitants than this commonwealth, while twenty-two accounted considerable have a less population. England, up to the middle of the eighteenth century, boasted no larger number of people.

For its geographical relations as well as for the battles fought on its soil, New York is in many respects the Belgium of America. The Flemish kingdom is the connecting link between Germany and France on the one hand, and the British Isles on the other, just as the Empire State holds New England in close relations with the South and the West. The population of Belgium and New York is about equal, the American commonwealth having rapidly gained on the workshop and hive of Europe. Belgium has the larger aggregate wealth, probably nearly double, although the comparison of statistics is difficult, on account of the different processes pursued in gathering them. In its agriculture New York is the larger producer, as its greater extent and fresher soil make it easy for it to be. In manufactures, also, New York is far in advance of Belgium in its annual production. "Mulhall's Balance Sheet" places the manufactures of the latter country at $425,000,000 in 1878, or about forty-two per cent. of the value of those of New York in 1879. The figures for New York are the careful compilations of the national census. The Belgian column is confirmed by estimates based on the exports and the ability of the inhabitants for consumption. The American commonwealth is far from the maximum of its production or of the ratio of its development. The share of the production that goes to those that toil with their hands is at least twice as large in New York as in Belgium.

Since 1820 the commonwealth has held the first rank in the Union in number of inhabitants. Then they were almost exactly one-seventh of the total of the Union, while in 1880 they were one-tenth. In that year its valuation was one-seventh of that of the entire country, almost exactly equal to that of all of New

England, but that was a matter of fortune for which no credit can be claimed. Credit should be allowed for its industry as proved by a share of one-fifth in the total manufactured products of the year, at the same time that its share in agricultural production was nearly one-twelfth, measured by value.

These plain figures prove that never have so many inhabitants been gathered in an equal period on 47,620 square miles elsewhere on earth; and a population of six millions has nowhere else developed a wider, more diversified, and more productive industry. These are material results that can be tested and compared. They illustrate and are the fruits of the institutions and the people.

No single industry is unduly dominant, because the inhabitants constitute a society so diverse, while so harmonious. The cosmopolitan population finds expression in various occupations, and as it makes nearly everything that mechanism has devised or civilization calls for, it is in itself a union of nearly all the strains of blood and character that enter into the human race. Thus the history of the commonwealth is not a rippling stream flowing from a single source to one debouchure. It is rather the growth of a monarch of the forest, to which the chemistry of all rays and all winds contribute, which thrusts its roots downwards and pushes its branches outwards and upwards, and struggles with storm and lightning. He who counts the rings upon its trunk, who measures its increasing stature, who rests beneath its shade, does not explain the mysteries of its development ; but he can point to all men that such is the soil, such have been the blasts of the north-wind and such the placid warmths of summer, such the storms and such the scathing lightning strokes which threatened death. Because its roots grew deep and broad, because it drew life from scores of sources and was dependent on all the gifts of nature, and not on one or few, it has become strong and it is full of health and vigor, and despair itself cannot fail to behold its majestic greatness. New York might lose any one of the branches of its industry, and yet not be crippled ; it might lose many, and bind up its wounds for fresh efforts. The diverse currents that have run into its population, perhaps no longer give it a distinct and almost unique character, such as it showed in the era up to the Revolution, but they have produced a mosaic that, first exhibited in full degree in this commonwealth, is now everywhere recognized as American.

New York never enjoyed the quiet and the repose of Arcadia. The charming creation of

Rip Van Winkle is a portrait by contrast. Labor has kept romance in check. By the rhythm of the factory and the foundry the movements of life have been marked. The rush of production and of traffic has made changes rapid, continuous, pronounced. Even Diedrich Knickerbocker would not present a phlegmatic Dutchman as the typical New Yorker of to-day. In Wall street he is the most excitable and most audacious of speculators. In Fifth avenue he is the most courtly and self-contained of citizens. A merchant in Broadway, he is a mechanic in avenue A. In Troy he is the swarthy, muscular iron-worker. In Oneida county he is the thrifty, prudent dairyman or the skillful operative. On the Sauquoit and the lower falls of the Mohawk, his cottons excel those of Lancashire. In the valley of the Genesee he plants his gardens and fosters his orchards in the shadow of his mills. Beside the interior lakes, his vineyards rival those of the slopes of the Alps. On the Oswego and in Cattaraugus he cuts his lumber and tans his leather. The air is black on the shores of Lake Erie with the smoke of his foundries. Versatile in his work, the summer finds him in study or convention on Chautauqua Lake, or mingling religion with amusement amid the myriad isles of the St. Lawrence, or courting fashion at Saratoga or Richfield, or hunting for health and fish in the northern wilderness, or gaining inspiration from the mountains in the Adirondacks, the Catskills, or the Shawangunk, or resting in quiet beside Lake George or Seneca or the many limpid rivers which he loves to trace to their sources, or mingling with the surging multitudes on the islands and the beaches where the sea bounds the beautiful bay of which he boasts. Neither Puritan nor Cavalier, he deems nothing that touches humanity alien to him. His charities are munificent. If the State invests in its charitable institutions $49,000,000, private beneficence duplicates the liberality, and adds to outlays of money the more precious gifts of personal sympathy and unwearying care.

He adopts all the amusements from all other nations, and devises others to supplement them. He opens six average farms to give the metropolis Central Park. He establishes a State reservation in the Adirondacks, and buys Niagara Falls for a pleasure resort for the people. He builds costly churches and museums, and founds art galleries and libraries, and opens broad and attractive avenues, and yet often neglects the simple duties of the citizen, until gross wrongs stir him to a wrath that secures justice. Busy, enterprising, thrifty, he contributes much more than his share to the world's commodities; and yet without stinginess, with a love of sunshine and a solid trust in the future, he consumes also more than his neighbors, and much more than his cousins in the Old World.

In a philosophical disquisition such as made his private conversation often more attractive and brilliant than his public addresses, William H. Seward once said that New York is so great a State that each of its parties is divided into conservatives and radicals, and so rivalries are engendered that cause contests in conventions and interfere with the promotion of its statesmen in national politics. While the explanation fitted the era in which he was a leader, it does not cover the period when this commonwealth was only fifth in rank, in 1790, when George Clinton who had opposed the constitution was the rival of Jay; nor does it satisfy inquiries into the obstacles placed, about 1800, when the rank of New York was third, in the way of Hamilton as well as of Burr; nor show why Tompkins and DeWitt Clinton between 1810 and 1820, when the commonwealth was rising from the second rank in population to the first, found home opposition fatal to their ambitions. The statesmen of New York have not been inferior to those of other parts of the Union, some in aggressive criticism, some in constructive genius, some in the details of statecraft and party management. At all periods there have been not one merely, but two or three or several, challenging the favor of their party and the people. New York has had groups of statesmen like those who from 1844 forward adorned its annals, when Martin Van Buren and Silas Wright and William L. Marcy and Daniel S. Dickinson divided the democrats, and William H. Seward and Millard Fillmore and their associates represented the controversies and rivalries among the whigs.

The intellectual as well as the political movement has had a breadth, a popular inclusiveness, which has possibly interfered with the domination of individuals. As the population has been gathered from all races, potential leaders have arisen in various quarters. If anywhere in the United States the assumption of Anglo-Saxon control is historically justifiable, here the Teutons, the Celts, the Latins, contradict it in the seats of the Hollanders and the Palatines, the Huguenots, the Irish and the Welsh, and the later Italian comers. Great names New York has given to politics, to literature, to the church, to education. It has given still more a people generally trained, a high level of popular intelligence and industry and discipline and action. The long trials of the French wars and the Revolution created a State enured to hardship, apt in emergency, confident in its future. The second war with Great Britain trained the sons in the virtues of the fathers. The generation which constructed the Erie Canal, owed much to a few brave spirits, but more to the faith and the sacrifice and persistence of the majority. The diversity of industry testifies to the tendency to separate and independent action, to the refusal to run in single tracks, to the purpose to work out each in his own way the results best for the individual and the commonwealth.

Such qualities have made New York hospitable to every new thought and idea and invention, while there has been maintained a sturdy substratum of conservatism. It welcomed under the rule of Holland the dissentients from New England; and if for a while it yielded to the anti-Catholic frenzy of the contest with James Stuart, it yet in the main illustrated always a generous toleration. The attempt of the English governors to connect church and state, gave energy to the movement for popular rights and finally for independence. Every voice crying in the wilderness has found here willing listeners. The claims of advanced thinkers have been nowhere more promptly challenged. Visitors from the Old World, whether missionaries, or critics of our society and politics, or literary guests intent on pleasure and on profit, are received often with exuberant courtesy to be followed by searching criticism. Science makes no offers which are not greedily accepted. An interior city of New York by organizing the first magnetic telegraph company in the world, exhibited the expectant attitude of the enterprise of the commonwealth, which has been represented in ventures on every sea and in every land, while it has laid deep and broad the corner stones of domestic prosperity.

New York has never had a single leader, but it has recognized the leadership of the many. Its prosperity is in its agriculture and its multiform industry, the prosperity of the many. It has not on its own soil developed so rich and wide and high an education as New England has attained, but it has striven liberally and persistently for the education of the many, and at last is providing by private munificence for the most advanced students.

Except for dates and convenience of grouping, events in New York do not depend upon presidents or governors or leaders. Hamilton was our greatest statesman, but even he does not mark an era. Martin Van Buren was chosen to the presidency, but in his own party and in State and national politics, the influence of Silas Wright was in most respects at least equal and in some points greater and more enduring. William H. Seward was beyond most men a statesman of forethought and power; he did not overshadow his contemporaries in New York. From the coming of Champlain on the lake which bears his name, and of Hudson on the river which tells his story, our waterways have been factors in our life and progress. The Erie Canal following the lines of Indian excursions, is the central channel of our rapid and extensive growth, and later facilities for communication have strengthened the grasp of New York on the commerce of the continent.

By its position and by its relations hardly more than by its sentiment and its patriotism, New York has been an integer in the nation, rather than a State disposed to assert sovereignty. In the amendments which it insisted should be a part of the national constitution, the rights of the citizen are guaranteed before any reservation is made in behalf of the States. Complaint has sometimes arisen that sufficient attention has not been given by its own people to the history, to the services, to the greatness of the commonwealth. They have been living in the present and looking to the future, rather than the past, and been content to hold the first place in the sisterhood of equal States. Its rivers and its mountains bind it to the republic, and the convictions as well as the interests and the pride of New York reach out over every part of the united nation.

Wouter van Twiller and Peter Stuyvesant would be strange visitors if they stood on the East River bridge, when the throngs go to their business in the morning or return to their homes in the evening, or gather to celebrate a public festivity. They would see amid the spires and towers and palatial structures, the homes of a population greater than that of all Holland in their day, and the seat of their executive authority grown so as to dwarf Amsterdam to a village, and to contain a number of inhabitants nearly threefold that they were familiar with in London. Trains running in the air, voices communicating over miles of space and matter and hurly-burly, might well surprise them, less than the harvest of architecture and wealth, the busy multitudes engaged in vocations novel and wonderfully productive, the steady movement of the web and woof of trade and travel, the confidence and spirit of a free and intelligent and prosperous people. For these throngs are only a part of the commonwealth that has grown from the province over which they ruled — a commonwealth with a population one-half greater than that of the Netherlands to-day, and with a strength and solidity that rest on the old Dutch foundations.

In the century and a half past, the tender plant which those old governors nursed so carefully, has grown to such proportions. Even their Dutch phlegm might gather inspiration from the scene, and their peering eyes might scan the future, and behold all possibilities inviting six million people with opportunities so multiplied, with possessions so abundant, on a domain so imperial, with civilization casting its gifts at their feet. They might gather cheer too from the record that the ancestors and predecessors of these millions in the main met the tasks and duties of their position with prudence, courage, forethought, and devotion to worthy ideals and purposes. They might weigh the character of the people who have made the commonwealth what it is, and discern in it the combination of elements, the resultant of divergent forces, the equipoise that comes from motion and genuine life, and thus from their elevation over the surging tides of the New World's metropolis, take heart of hope that the generations and the centuries to come will add to the development of the Empire State in all that constitutes the glory of a free commonwealth.

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American Commonwealths.

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